

**GIFTS FOR HEALTH AND WELLNESS // P. 26**

# FOP



# JOURNAL

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DECEMBER 2023

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## WISHING YOU A MERRY AND BRIGHT HOLIDAY SEASON!

### ALSO INSIDE

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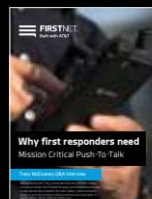
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## National Fraternal Order of Police

**National Headquarters** 701 Marriott Drive, Nashville, TN 37214  
1-800-451-2711 | Phone (615) 399-0900 | Fax (615) 399-0400  
Email: [glfop@fop.net](mailto:glfop@fop.net) | [www.fop.net](http://www.fop.net)

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For editorial submissions, send inquiries to [fopjournal@fop.net](mailto:fopjournal@fop.net).

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

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# Congress Poised to Consider Repeal of WEP/GPO



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

The following is my testimony before the House Ways and Means Committee regarding H.B. 82, the Social Security Fairness Act. This act would repeal the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO). The committee members present at the meeting all pledged to repeal these unfair provisions of Social Security benefits for public employees. The FOP was the only law enforcement group to testify at this hearing.

Good afternoon, Chairman Smith, Ranking Member Carter and distinguished members of the House Committee on Ways and Means. My

name is Patrick Yoes, National president of the Fraternal Order of Police, and I represent more than 373,000 rank-and-file police officers. The FOP is the oldest and largest law enforcement labor organization in the United States.

Mr. Chairman, I am grateful that you are holding this hearing to examine the impact of the Windfall Elimination Provision and Government Pension Offset on hardworking Americans who chose a career in public service.

Approximately 1.9 million beneficiaries, or 4% of the eligible population, are impacted by the WEP. However, it is estimated that 60% of all

law enforcement officers in our country are impacted by this provision.

Between 2000 and 2008, the House and Senate held a combined **seven** hearings on the WEP and GPO. Apart from this committee's markup last year, which was done solely to block a floor vote after we had reached 305 co-sponsors, there has been no action or consideration of the bill since 2008.

So, while I welcome the opportunity to be here with you today to talk about how the WEP and GPO hurt our nation's retired law enforcement officers, I am also here to express the deep frustration of my members.


Simply put, law enforcement officers who served in an agency outside the Social Security system may lose up to 60% of the Social Security benefit to which we are entitled by virtue of secondary or post-retirement employment.

We were required to pay the same amount into the Social Security system as every other American and yet we are not guaranteed the same benefit ... all because we answered the call of public service.

The FOP contends that this provision has a disproportionate impact on law enforcement officers. An earlier study suggests 75% of those impacted were law enforcement or other public safety workers. Law enforcement officers are likely to retire earlier than other public employees because of the extreme physical and mental demands of policing.

After a full career in law enforcement, many officers who retire will begin second careers and pay into the Social Security system. This creates an unjust situation for many

## LET YOUR VOICE BE HEARD!



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

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

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## PRESIDENT'S MESSAGE

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of our members — we are entitled to a pension because we paid into it for a full career, but we also worked jobs in which we fully paid into Social Security, which should entitle us to the same benefits paid to every other American.

While the GPO impacts fewer people, its effect can sometimes be more profound. According to the Social Security Administration, of those directly affected by the GPO, 52% were spouses and 48% were widows or widowers.

An astounding 70% of all those affected by the GPO had their benefits fully eliminated.

That means, the money we paid into the system won't go to **our** eligible survivor as is the case with every other American but will remain in the Trust Fund to pay for someone else's benefit.

Do you not see how outrageously unfair this is to public employees and their spouses?

Additionally, the profession of law enforcement is facing an existential crisis in recruiting the next generation of law enforcement officers, and the very existence of the WEP and GPO discourages anyone from choosing a career in public service.

When a prospective candidate learns that any Social Security credits and benefits they have or will earn in the private sector will be reduced, it makes a career in policing far less attractive.

For 40 years, Congress has avoided addressing the long-term viability of Social Security and used that as justification to **not** repeal the WEP and GPO. Instead, Congress has knowingly embraced these unfair provisions while ignoring the victimization of the very people in our society that work so hard for fairness.

Public employees did not create the destabilization of the Social Security system, yet we are the only class of employees that Congress is forcing to give up our earned benefits.

How is it fair to make public employees pay the same rate into Social Security as every other American, and then legislate away the same benefits afforded to others?

We are not asking for special treatment or anything more than we have fairly earned. We are simply asking for equal treatment!

The Windfall Elimination Provision and Government Pension Offset is wrong, unfair and, frankly, dishonest.

If this scheme was being run by a pension board or private money

management group instead of the Social Security Administration, we would not call it an "elimination of a windfall" or an "offset" — it would be called any number of criminal laws enacted by Congress to protect hardworking Americans.

One entity enriching itself by denying a benefit earned by an individual is criminal and that is exactly what the "Windfall Elimination Provision" and "Government Pension Offset" does.

Ultimately, this is about fairness to the men and women who have sworn to serve and protect America's communities.

Instead, we are treated as second-class citizens and are subject to arbitrary formulas that reduce benefits for which we have been fully taxed and to which we are entitled to.

Both provisions should be repealed immediately, and I urge the committee to get back to Washington and pass H.R. 82, the Social Security Fairness Act.

Mr. Chairman, I want to thank you and the other members of this distinguished committee for the chance to appear before you today. This day has been a long time coming for my members. **FOP**

## Support the NFOP PAC!

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

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

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# Wrapping Up 2023 and Preparing for the New Year



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

Greetings, my brothers and sisters. I hope this December edition of the *FOP Journal* finds you and your family well. It is a wonderful time of the year as we approach the holiday season.

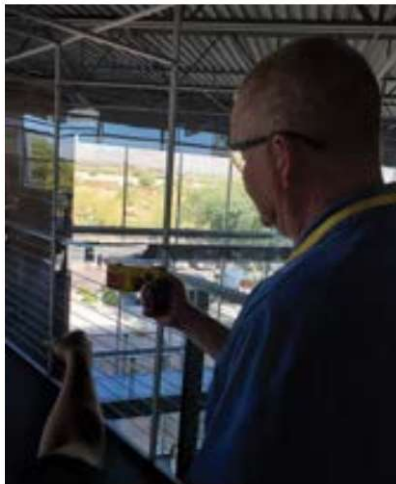
Last month was a busy time and extremely beneficial. President Yoes arranged for a special two-day technology summit at the Axon world headquarters in Scottsdale, Arizona. Forty FOP leaders from around the country were invited to the exclusive training event. Axon CEO Rick Smith facilitated the summit and gave us a firsthand demonstration



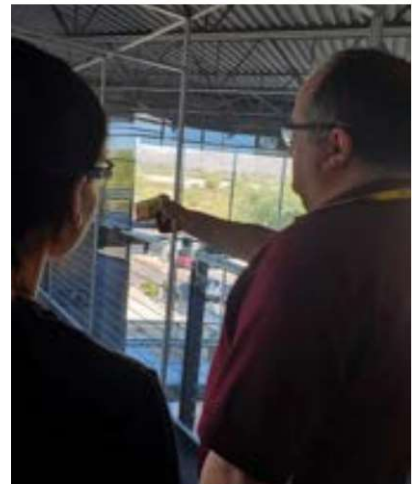
Attendees watching a drone demonstration



Axon CEO Rick Smith made a presentation on emerging technology to aid law enforcement.



National Sergeant at Arms Steve James takes aim with a Taser 10



Massachusetts National Trustee Rich Shailor receives instruction on deploying the Taser 10



Jacksonville #5-30 First VP Beau Bottin, Florida State Lodge First VP Shawn Dunlap, Ft. Lauderdale #31 President Scott Moseley and National Secretary Holderfield on stage at the summit

of the newest Tasers, body and dash cameras, and drones. We were divided into five working groups and were given the opportunity to use the new edition of Tasers and to hone our skills in the mobile virtual reality training trailer. The groups were also

assigned, with an Axon engineer a part of each team, the task of coming up with new ideas on emerging technology for less-than-lethal tools. South Dakota National Trustee Tony Harrison's team won the competition by presenting the concept of a





Attendees intently listening to presentations



National Sergeant at Arms Steve James made a presentation for his group on future Axon projects.



National FOP Executive Board members with Chicago FOP President John Catanzara (left) and past National President John Dineen (second from left)



Chicago FOP Board members



Past National President John Dineen camera-equipped drone. The drone would automatically deploy when the officer engaged in a foot pursuit or any other situation where a second set of eyes is needed. The device was named HALO. The highlight of the competition was the generous donation of \$5,000 to the National

FOP Foundation from Axon in the name of the winning team. Thanks, Axon, Brother Tony and team.

Another major event we attended was at the AT&T headquarters in Dallas, Texas. President Yoes, myself, Second VP John Hoyt, Texas National Trustee Frank Plowick and other Texas Lodge officers honored our national partner, AT&T FirstNet, for its continued support for our members nationwide. Not only does FirstNet offer our members the best cellphone coverage available, they support our National FOP Foundation — especially with communication equipment, if needed, on DART deployments.

We were also pleased to be a part of the renaming of the Chicago FOP. The Chicago FOP is our largest local lodge, boasting a membership of over 16,260 members and representing



Past National President John Dineen, National President Yoes and National Secretary Holderfield

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## SECRETARY'S MESSAGE

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officers in contracts, benefits and pensions. President John Catanzara proposed changing the name of the lodge several months ago to the Chicago Executive Board and the lodge to honor past National President John Dineen. Past President Dineen, while serving as the Chicago Lodge #7 president, was elected National president and served the Order from 1979–1981. The new name of the lodge is the Chicago “John Dineen” Lodge #7. The event was well attended by FOP leaders from various state lodges, with President Yoes and myself making congratulatory remarks. It goes without saying, Brother Dineen and his family were overwhelmed.

It is hard to believe that 2023 has come and gone. We have been planning for 2024, and it proves to be just as busy. Please review the upcoming training events on this page. I encourage you to register as early as



National President Yoes and National Secretary Holderfield at the Chicago Board meeting

possible for these training opportunities since they are capped by the number of attendees. Once they fill up, it is not possible to “squeeze one more in.” Let

my office know if you are planning an event, board meeting or conference, and we will get it on the master calendar. The National Executive Board looks forward to attending your events, but keep in mind that our schedules fill up early. Give us the dates and we will try to make it to your event.

It's that time of year when many lodges have elections of officers. Please contact your lodge secretary if you are newly elected, so you may be entered in the membership database system. Lodge secretaries, even if there were no changes to your elected officers, please update your officer roster's term expiration dates. If this is not done, you will be locked out of the VUE system.

As I stated, 2024 will be a busy year. Amid the uncertainty of the wars in Ukraine and Israel, the U.S. presidential election and the aspiration of getting the Windfall Elimination Provision repealed, we will be monitoring and working hard for our members in their best interest. Also, be on the lookout for our new membership management system and other innovative projects to better serve you. We welcome any ideas or suggestions you have.

Have a merry Christmas, happy Hanukkah or happy holidays spending time with your family and friends. Be safe, and I will talk to you soon. **FOP**



### Upcoming National FOP Training

- Law Enforcement Labor Summit:**  
January 30-31, 2024 | Las Vegas, NV | For more information, [click here](#).
- Legal Counselors Seminar:**  
February 1-2, 2024 | Las Vegas, NV | For more information, [click here](#).
- Officer Wellness Summit:**  
February 19-20, 2024 | Nashville, TN | For more information, [click here](#).
- Leadership Matters:**  
February 22-24, 2024 | Nashville, TN | For more information, [click here](#).

For more information email: [ssimpson@fop.net](mailto:ssimpson@fop.net)





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- Pay upon completion of training \$66,185- \$70,156

### **Qualifications**

- Must have high school diploma or GED and 60 credit hours with a 2.0 GPA from an accredited education institution; or
- Must have a high school diploma or GED and 3 years of responsible, full-time work; or
- Must have a high school diploma or GED, 2 years of active service with an Honorable Discharge from any branch of the United States Armed Forces

### **Lateral Officer & Lateral SRO Officer**

- Starting Lateral pay \$70,215- \$74,428 (Must have 2 years of POST (or state equivalent) certified law enforcement experience)

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# Wishing You Joy and Happiness This Holiday Season



// **WRITE TO US!** If you have further questions, contact John Hoyt at (267) 251-5575, or [jhoyt@fop5.org](mailto:jhoyt@fop5.org).

Dear, brothers and sisters. As the holiday season approaches, I want to take a moment to extend warm wishes to each and every one of you. This time of year is not only a time for celebration and reflection, but also an opportunity to express our gratitude for the collective strength and resilience that define the Fraternal Order of Police.

Throughout the year, we have faced challenges and triumphs together, standing united in our commitment to advocating for the rights and well-being of law enforcement officers throughout the country. Our solidarity has been a source of inspiration, and it is this unity that makes the FOP a force to be reckoned with.

As we gather with loved ones to celebrate and cherish the moments that matter most, let us also take a moment to acknowledge the importance of the work we do and the impact we have on American society. Your constant sacrifice, dedication and hard work done in the name of public safety and justice is awe-inspiring.

In the spirit of the season, I encourage you to reflect on the values that bind us together: fairness, justice and equality. As we enjoy the festivities, let us also renew our commitment to these principles and to each other. Our strength lies in our solidarity, and together, there is no challenge too great for us to overcome.

May this holiday season bring you joy, peace and maybe even a well-deserved break (for some of us). However, let us always remember all of our brothers and sisters who are working the street or their assignments on the holidays. If you can, take this time to recharge and spend quality moments with those who matter most. Let us return in the new year with renewed energy, ready to face the opportunities and challenges that lie ahead.

Thank you for your continued dedication to the FOP. I am proud to lead such a resilient and committed group of individuals. Wishing you and your loved ones a joyful holiday season and a prosperous new year. **FOP**

## SHARE YOUR STORY!

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

Whether you would just like to share your story privately with peers on the Committee or are willing to share with readers so that all can learn from it and celebrate with you, we want to hear from you! Contact us confidentially at [officerwellness@fop.net](mailto:officerwellness@fop.net).





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CAPACITY: 15+1  
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BARREL LENGTH: 4"

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**ECHELON  
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CALIBER: 9MM  
CAPACITY: 17+1 | 20+1  
SIGHTS: NIGHT SIGHTS  
BARREL LENGTH: 4.25"

04940XE



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**COMBAT  
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CALIBER: 45ACP  
CAPACITY: 8+1  
SIGHTS: FIXED  
BARREL LENGTH: 4.25"



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**45  
GEN 5  
MOS**

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CAPACITY: 17+1  
SIGHTS: AMERIGLO NIGHT SIGHTS  
BARREL LENGTH: 4.02"

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**\$1249.00**

CALIBER: 5.7x28MM  
CAPACITY: 20+1  
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## MEMBER SPOTLIGHT

# Mike Kralicek

JIMMY HOLDERFIELD / NATIONAL SECRETARY  
MIKE KRALICEK / IDAHO STATE LODGE SECRETARY

Brother and sisters, this month's Member Spotlight gives us pause to reflect on how fortunate most of us are and serves as a catalyst that, with faith and a supportive family, we can overcome any adversity. Idaho State Lodge Secretary Mike Kralicek and his wife, Carrie, are prime examples of motivators. Though a horrific and tragic event turned their world upside down, they have inspired others dealing with the most difficult life-changing challenges. Here is Brother Mike's message for the holiday season.

As the holiday and Christmas season comes around, we are reflecting on the things good and bad that are entangled with it. Many veterans, survivors, orphans and single parents are reminded of how lonely and stuck they are until they can find a new doorway or get offered a hand up. Meanwhile, the more fortunate, or people with less loss and strife in their past, are excited to gather with family, friends and loved ones in a warm, cozy home. Extreme contrast, depending on your age, lifestyle and life experiences. Many military families and first responders unfortunately have much more loss, pain and sadness lurking in their minds.

For the Kralicek family, it is a unique combination of both. Mike and Carrie have military and law enforcement in their backgrounds. They served in the military, as first responders and then in law enforcement. They are no strangers to pain and loss, having faced these challenges even before the fateful holiday season that changed their lives forever and nearly shattered their family of four.

Mike had been a police officer for approximately five years, serving at another agency before joining the Coeur d'Alene, Idaho, Police Department. Three days after Christmas in 2004, while Mike was on patrol, he was involved in a routine traffic hit and run and petit theft investigation that escalated to and ended as an officer-involved shooting. The suspect was being questioned when he broke and ran into his house. Mike and the other officers gave chase. Upon entering the house, Mike was shot in the face by the suspect from about 6 feet away. Mike was airlifted to Harborview Medical Center in Seattle, Washington, in critical condition. He was in a coma for weeks, unable to breathe on his own and suffering. Carrie had to quit her job as a respiratory nurse at the local hospital to care for Mike. She encouraged him mentally and ensured his medical safety while managing the household and raising their two beautiful daughters.

Mike and Carrie spent the next seven-plus years going through the therapy gambit — physical therapy, occupational therapy, speech therapy, water therapy and then the most useful and intense, "Carrie therapy." Once Mike was able to speak loud and clear



Mike before the incident



Mike recovering in the hospital

Continued on page 22 >



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## MEMBER SPOTLIGHT

Continued from page 20 >

enough, they began speaking to groups of people and pushing for better legislation in Idaho. When Mike was able to stand and walk short distances, Carrie took their show on the road. They spent 12 years traveling across the country speaking to thousands of people from over 60 countries about survival and overcoming adversity. Carrie continued her medical education/experience and is now a psychiatric mental health nurse practitioner. Mike keeps his mind active by painting and tinkering with his electronic ideas and inventions. He has stayed active with the FOP and recently accepted the challenge of being elected secretary of the Idaho State FOP Lodge.

Mike remembers very clearly how sad and defeated he felt while spending a year as a full quadriplegic in a hospital bed. He whined to Carrie, "What am I going to do now? I was such a good cop, now I can't even drive or walk." Then, Carrie gave Mike the motivational encouragement he uses daily and will for the remainder of his lifetime recovery/rehab. "I am not sure, Mike, we will have to wait and see, I was such a good nurse," she responded. Those words pushed him right through rehab and eventually on to standing and walking. Within one year of returning home from the rehab hospital in Colorado, Mike was taking small steps and looking for more challenges.

Although physical activities are not what they once were, Mike has pushed his new body and physical limitations by going parasailing, bike riding for grocery runs or tandem bike riding to a friend's house for brunches a few miles away. He has gone deep-sea fishing in the Pacific Ocean for rockfish, driven boats on lakes, driven golf carts and participated in golf tournament fundraisers as the designated putter. He learned how to fly fish with one



Mike receiving an award in 2005



Carrie and Mike



Mike with Education and Outreach Director Keith Turney

arm and has stayed active at the gun range, passing his firearms qualification for the H.R. 218 retired concealed-carry license. He has hunted for deer and moose in the snow of North Idaho and has overcome many other physically challenging activities.

This Christmas, Mike and Carrie choose to celebrate their 19th holiday season together, not the 19-year anniversary of the incident. They are blessed that they are still together as a family, breaking bread, playing games and enjoying Christmas. Mike is overjoyed to have seen both his daughters finish school, get married and start families of their own. Mike and Carrie's first granddaughter was born a year after the horrific nightmare that ripped their world apart.

The Kralicek's story is a true example of "love love and triumph," as Mike's older friend from childhood once told them. **FOP**





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## NEVADA

## Two Things That COs Hate

PAUL LUNKWITZ / FOP NEVADA C.O.  
LODGE #21 PRESIDENT

When hell is a step up from the negativity you experience at work, you must work in prison. There are countless cliches and things we all tell ourselves to get through a day, a week or a career at work, but the one thing that will get you unmercifully yelled at by your fellow officers for saying during work is actually positive: “Man, it is quiet today.” You will get yourself F-bombed out of your unit office by your partner. The normalcy that correctional officers find in negativity comes with the territory. Finding a balance between inmates and the administration is like taking a seat between two bitter ex-girlfriends. One wants to kill you, and the other tells you how everything you do is wrong. Even after the greatest advance in officer protection and compensation in the history of the Nevada Department of Corrections, officers can still find things to be negative about. This is the dichotomy of walking the line behind the wire.

So what are the two things that correctional officers (COs) hate? The first thing that COs hate is **change**. No matter how many times you hear the complaints about mandatory overtime, the first thing that officers say when the administration decides not to staff certain positions is how they are jeopardizing security.

Administrator: “OK, so you are good with working the three or four overtimes per week that it will take to staff these positions?”

Officer: “Well, no, I am tired and I need to go home.”

Administrator: “I got it. So you want me to get more staff, like the officers who left and have more seniority than you?”

Officer: “Well, no, I don’t want to lose my seniority for shift bid.”

It is a constant struggle, but while you may think it is easy to fix one problem and move on to the next, it never quite works out that way.

The second thing that COs



hate, almost simultaneously, is **the way things are**. There is always something wrong with a policy or a co-worker. Either the supervisor has it out for you or the policy is terrible. Then there is always that one officer where it is always both. So violate the policy that is terrible and then the supervisor holds you accountable. Now, usually, things are more complicated, but you get the idea. Certainly there are bad supervisors and poorly written policies. The key is to always expect the worst, and when the best or the mildly acceptable happens, be suspicious.

So how does this tie into the current state of corrections across the country? The mindset of accepting a victory or positive change is not a new theory. There is considerable difficulty in changing your perspective when you are not accustomed to receiving positivity. The movement to raise awareness and increase appreciation is a slow and steady climb, but if you never look back at where you were, you cannot understand how far you have come.

It takes me back to my days on the yard and the baggage I still carry from a 21-year career. Along with hypervigilance comes being hypercritical. **Hypervigilance** is a survival skill in prison, just like in any law enforcement career, that keeps you above ground. Being **hypercritical** just makes you seem like a cranky old man who is never satisfied. I remember those



days when hearing good news just raised my level of suspicion. “That can’t be right,” “Something must be off,” “We never get a break” and “I’ll believe it when I see it.” This is the reality that COs live through day in and day out. We know that we are responsible for the well-being of inmates who want to do us harm. They are the worst of the worst who have been judged incapable of living lawfully among us, yet we have to make sure that they are treated humanely. **We are underresourced and severely outnumbered. And when we do use our limited resources, we are scrutinized to an unreasonable degree.**

There are quite a few people who wonder why or who would ever sign up for this. **It takes a special type of hero to walk behind the wire and toe the line every day for a couple decades.** We are the ones who keep societies’ nightmares locked up, knowing that the only time you will typically hear about us is when we royally screw something up. Just know that there is an army of correctional professionals laying it on the line every day. Our measure of success is walking out the same way we walk in. So when you hear us complaining about our wonderful improvements, don’t mind us, we will be just fine. **FOP**



The National Fraternal Order of Police University (NFOPU) has successfully paved the way for hundreds of FOP members to pursue higher or continued education. For more information on the NFOPU Consortium, go to [fopconnect.com/education-connect/about-the-consortium](http://fopconnect.com/education-connect/about-the-consortium).



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# Giving the Gift of Wellness

SHERRI MARTIN / DIRECTOR OF WELLNESS

**A**re you a last-minute Christmas shopper, scrambling around to grab gifts days before the holiday, or did you finish your gift shopping weeks ago?

One of the greatest gifts we can receive is the benefit of good health. Although you can't buy good health in a store, you can find some great gifts that can support wellness, self-care and healthy living! What better way to show that you care than to gift a product that promotes good health? Whether you are picking up those final gifts or want to add on some extras, here are some suggestions for gifts to boost health and wellness this season and all year round.

- **Spa gift certificates.** Have you ever tried a salt flotation tank? Or gotten a massage or a facial? (These aren't just for women, guys!)
- **A few spinning sessions.** Spinning gyms are a popular way to get some exercise indoors. If it's too chilly to bike outside, spinning is a great (and warm) option to get in a sweat session and work those legs!

- **Stand-up paddleboard or kayaking lessons.** Dreaming of warmer months? Plan for the summer ahead of time!
- **A nice bathrobe.** There's nothing better when getting out of a hot shower than stepping into a cozy robe.
- **A heated foot massager.** After a long day at work, it feels great to take a load off and pamper those peds!
- **A new drinking vessel.** Yeti, Stanley or another favorite brand, everyone is carrying a tumbler these days! For some, they are a statement-maker with a favorite quote or personalization; for others, just a way to stay hydrated. Either way, keeping a tumbler nearby makes it easier to keep our water intake on point.
- **New sports footwear.** New walking, running or hiking footwear can get someone on their way to an active start in the new year.
- **A pickleball set.** This sport is taking the world by storm, and is enjoyed by all ages. Learning a new game keeps both the mind and body alive!



- **A silk pillowcase.** A good night's sleep is everyone's dream. A soft pillowcase can be the gateway.
- **A beautiful bouquet of flowers or a house plant.** Sharing our space with living things can brighten our days!
- **A new pet.** Gifting a new companion could be just purr-fect for both the pet and the receiver! One word to the wise: make sure that the recipient of this gift is prepared for the commitment of caring for a new pet. This is one gift that does not make for easy returns or regifting!
- **A weighted blanket.** Another nod to a good night's sleep, and an extra layer of warmth during those cold winter nights.
- **Aromatherapy shower steamers.** These come in all kinds of scents and evaporate during your shower to relax and please the senses. (Our favorite is eucalyptus!)
- **A good noise machine.** Some create just white noise and others create nature sounds. They can be used when meditating, while drifting off to sleep or just during moments of winding down and relaxing.
- **A journaling book.** There is power in writing down our thoughts. Oftentimes, just seeing our thoughts on paper helps to sort through confusing or difficult times. Journaling promotes self-compassion and self-understanding. With so many attractive covers available, this gift could also make a statement by itself!
- **A handheld fan.** Although it's the winter season, it won't be long before the days are longer again and the temperatures rise. This could be a fun and inexpensive gift to help keep the receiver cool in the patrol car, on the beat or at the beach.



- **A new lunch box or meal-prep kit.** Eating out can be the enemy of maintaining a healthy weight. Gifting items that help the receiver plan meals from home can be a game-changer!

Finally, remember that perhaps the greatest gift you can give to friends and family is the gift of quality time spent together. While you're out gathering up those last-minute gifts, consider picking up some wellness items for yourself too, so that you can show up as your best self for those you love.

The FOP Division of Wellness Services and the National Officer Wellness Committee wish all of you the happiest of holidays, filled with wonderful memories and good health.

See you in 2024! **FOP**

## WELLNESS PROVIDERS

### Chateau Recovery Midway, UT

[chateaufrecovery.com/programs/first-responders](http://chateaufrecovery.com/programs/first-responders)

### FHE Health: Shatterproof Program Deerfield Beach, FL

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

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

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

### Harbor of Grace First Responder Program

Havre de Grace, MD

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

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

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

### Warrior's Heart Bandera, TX

[warriorshheart.com](http://warriorshheart.com)

Find more vetted and approved wellness providers and programs at [fop.net/officer-wellness/providers](http://fop.net/officer-wellness/providers).

# STAY FIT AND HEALTHY AT HOME WITH SILVERSNEAKERS

**S**ilverSneakers, the fitness program that comes with Fraternal Order of Police (FOP) Medicare Advantage plans, has several online tools you can use to stay active. They provide education and resources to help you stay safe, fit and healthy, whether you like to go to a fitness center or want to work out at home.

Here are programs SilverSneakers offers to help you stay active at home:

- **SilverSneakers On-Demand:** SilverSneakers has an online library of more than 200 workout videos. Just log in to **SilverSneakers.com** (or create an account) to get started. They offer classes such as SilverSneakers Classic, yoga and more. Once you've registered, visit **SilverSneakers.com/learn/ondemand** to start watching videos.
- **SilverSneakers GO fitness app:** The official SilverSneakers app allows you to access fitness videos anywhere. With just one click, you can make the workouts easier or harder and tailor them to your fitness level. You can also schedule activities or get notifications to stay on track with your fitness routine. Download the app using the Apple App Store or Google Play on your phone. Visit **Go.SilverSneakers.com/silversneakers-go-promo** to learn more.
- **SilverSneakers YouTube channel:** Just search for SilverSneakers on YouTube to access hundreds of fitness videos. They also have playlists for different challenges or trainers you can try. You don't have to be a SilverSneakers member to try a workout — anyone can watch these videos.
- **SilverSneakers Facebook Live classes:** You can join live virtual classes at home via the SilverSneakers Facebook page. Facebook Live classes are open to anyone, whether you're a SilverSneakers member or not. They also have a video library of workouts, and you can like or follow the page to get updates from SilverSneakers. Go to **Facebook.com/SilverSneakers** for more details.

If you're interested in joining SilverSneakers, you can sign up for an FOP Aetna Medicare Advantage plan that includes this benefit at no extra cost. You can sign up for a plan from **October**



**16 to December 7, 2023.** To enroll or find out more about your plan options:

- Go to **FOP.AetnaMedicare.com** to see full plan details.
- Speak with a live member services advocate at **(866) 246-8060 (TTY: 711)**, Monday–Friday, 8 a.m. to 6 p.m. ET. Just tell the representative you want more information about the FOP plans.

*SilverSneakers is a registered trademark of Tivity Health, Inc.*  
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**Editor's Note:** The FOP is dedicated to helping all of its members and their families thrive and improve their standard of living. That's why the FOP has teamed up with Aetna to offer four Aetna Medicare Advantage PPO plan options that provide members with comprehensive medical, prescription, hearing and vision benefits. As part of this partnership, Aetna will be sharing helpful information about its plans, wellness-related news and more in each issue of the FOP Journal.





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# House Committee Holds Hearing on WEP/GPO Impact on Public Employees



The House Committee on Ways and Means Subcommittee on Social Security held a hearing in Baton Rouge, Louisiana, aptly named “Social Security’s Disservice to Public Servants: How the Windfall Elimination Provision and Government Pension Offset Mistreat Government Workers.” This is the first congressional examination on the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) since January 2008.

National President Patrick Yoes appeared before the committee and offered powerful testimony on the need for Congress to repeal these two harmful provisions, stating:

“For 40 years, Congress has avoided addressing the long-term viability of Social Security and used that as justification to **not** repeal the WEP and GPO. Instead, Congress has knowingly embraced these unfair provisions while ignoring the victimization of the very people in our society that work so hard for fairness.

“Public employees did not create the destabilization of the Social Security system, yet we are the only class of employees that Congress is forcing to give up our earned benefits.

“How is it fair to make public employees pay the same rate into Social Security as every other American, and then legislate away the same benefits afforded to others? We are not asking for special treatment or anything more than we have fairly earned. We are simply asking for equal treatment!

“The Windfall Elimination Provision and Government Pension Offset is wrong, unfair and, frankly, dishonest. If this scheme was being run by a pension board or private money management group instead of the Social Security Administration, we would not call it an

## Just the Facts:

» During the House Committee on Ways and Means Subcommittee on Social Security’s hearing on the WEP/GPO’s impact on public servants — the first congressional examination of the issue in 15 years — National President Patrick Yoes urged the committee to consider and pass the Social Security Fairness Act, which has 300 co-sponsors in the House. The National Legislative Office is now focusing on building support for the Senate companion bill, which currently has 49 co-sponsors. The FOP’s other legislative priorities continue to advance, with more support garnered for the Protect and Serve Act, the passage of the Debbie Smith Act in the House and the introduction of Expanding Health Care Options for First Responders Act in the House and Senate.

‘elimination of a windfall’ or an ‘offset’ — it would be called any number of criminal laws enacted by Congress to protect hardworking Americans.”

National President Yoes urged the committee to consider and pass H.R. 82, the Social Security Fairness Act, which has 300 co-sponsors in the House and would fully repeal the WEP and GPO. By holding a hearing on the issue, the committee is clear to proceed to the bill under “regular order” and could schedule a markup on the bill or a similar measure. We are working very closely with our sponsors, Representatives Garret N. Graves (R-La.) and Abigail A. Spanberger (D-Va.), to maintain our current momentum. Representative Graves was instrumental in getting this hearing, and we are grateful for his continued and passionate support.

Staff in the D.C. office are now pivoting our advocacy campaign to the Senate to build support for S. 597, the Senate companion bill, which currently has 49 co-sponsors. **We are urging all FOP members to contact their senators and ask them to co-sponsor S. 597 or thank them for doing so!** Visit [tinyurl.com/5fbp4k5h](https://tinyurl.com/5fbp4k5h) to see if your senators are co-sponsors. These

offices must hear from their constituents on this issue if we’re to successfully get these provisions repealed!

## Appropriations and Continuing Resolutions

Last month, the House considered and passed H.R. 6363, a “laddered” continuing resolution that funds the U.S. Departments of Agriculture, Transportation, Housing and Urban Development, and Veterans Affairs until January 19, 2024, and the remaining components of the federal government through February 2, 2024, on a 336–95 vote. The legislation also extended the authority of the U.S. Parole Commission and the Countering Weapons of Mass Destruction Office in the U.S. Department of Homeland Security.

The Senate passed the bill on an 87–11 vote, and the president signed the measure into law.

The House is struggling, however, to pass appropriations bills because of the narrow margin of control. Just before the Thanksgiving recess, the House rejected H. Res. 869, the rule providing for the consideration of H.R. 5893, which would make appropriations for the U.S. Departments of Commerce,



Justice and Science on a 198–225 vote, preventing the consideration of the bill on the House floor. The most recent public draft of the legislation does contain modest increases for the Office of Community Oriented Policing Service (COPS) and State and Local Law Enforcement Assistance programs (+1.2% and 2.9%, respectively), it reduces the funding at the U.S. Department of Justice to \$23.8 billion below the FY 2023 level and drastically reduces funding to the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

The House also considered and amended the following spending bills, but did not put any to a final vote because they did not have a majority of the House:

- H.R. 4664, which makes appropriations for Financial Services and General Government
- H.R. 4820, which makes appropriations for the U.S. Departments of Transportation and Housing and Urban Development
- H.R. 5894, which makes appropriations for the U.S. Departments of Labor, Health and Human Services, and Education

Prior to the August recess, the House rejected H.R. 4386, the spending bill for the U.S. Department of Agriculture and the Food and Drug Administration on a 191–237 vote. It is not clear when any of these measures may return to the floor for a vote on passage.

The new House speaker will be working with the same narrow and fractious majority as former Speaker McCarthy, so it is unclear if the schedule will hold or if there will be enough votes to pass the remaining spending bills. Even if they do, many of the House-passed measures have little to no chance to pass the Senate as drafted.

The Senate passed H.R. 4366, a “minibus” appropriations bill that provides funding for military construction and the U.S. Departments of Agriculture, Housing and Urban Development, and Transportation, on an 82–15 vote. It is not clear whether the House will consider this legislation.

The FOP will continue to monitor appropriations efforts — check the FOP website for the latest news!

### Legislative Update: H.R. 743, the Protect and Serve Act

As of the beginning of November, there have been 102 ambush-style attacks on law enforcement in which 122 officers were shot and 22 of whom were killed. The staff in the National Legislative Office has been working on an advocacy campaign focused on building support for the legislation among Republicans on the Committee on the Judiciary. Representative James D. Jordan (R-Ohio), the committee’s chairman, noticed the bill for consideration in May but was forced to pull the bill off the agenda when a group of Republicans on the committee told him they would oppose the legislation.

The FOP has also identified eight members of the House whose regions lost officers to an ambush-style attack. You can see that list of members and the letters that we sent them at [tinyurl.com/bdfm2er4](https://tinyurl.com/bdfm2er4).

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## Top Priorities in Brief

### **H.R. 82/S. 597, the Social Security Fairness Act**

**House:** 300 co-sponsors (99 R, 201 D)

**Senate:** 49 co-sponsors (39 D, 7 R, 3 I)

Urge Congress to pass it:  
[tinyurl.com/ycxk6pay](https://tinyurl.com/ycxk6pay)

### **H.R. 1322/S. 1658, the Law Enforcement Officers' Equity Act**

**House:** 68 co-sponsors (17 R, 51 D)

**Senate:** 1 co-sponsor (1 R)

Urge Congress to pass it:  
[tinyurl.com/37afz34h](https://tinyurl.com/37afz34h)

### **H.R. 3539, the Public Safety Employer-Employee Cooperation Act**

**House:** 42 co-sponsors (10 R, 32 D)

**Senate:** Not yet introduced

Urge Congress to pass it:  
[tinyurl.com/5h6mtmvt](https://tinyurl.com/5h6mtmvt)

### **H.R. 354/S. 1462, the LEOSA Reform Act**

**House:** 35 co-sponsors (35 R)

**Senate:** 3 co-sponsors (3 R)

Urge Congress to pass it:  
[tinyurl.com/3w4br4sj](https://tinyurl.com/3w4br4sj)

### **H.R. 743, the Protect and Serve Act**

**House:** 89 co-sponsors (77 R, 12 D)

**Senate:** Not yet introduced

Urge Congress to pass it:  
[tinyurl.com/3uzdafpk](https://tinyurl.com/3uzdafpk)

### **H.R. 3170/S. 1514, the Homes for Every Local Protector, Educator, and Responder (HELPER) Act**

**House:** 98 co-sponsors (30 R, 68 D)

**Senate:** 13 co-sponsors (3 R, 10 D)

Urge Congress to pass it:  
[tinyurl.com/48vxkdp4](https://tinyurl.com/48vxkdp4)

To see a full list of legislation supported by the FOP, please visit [tinyurl.com/ycy5k5rv](https://tinyurl.com/ycy5k5rv). Members should continue to monitor the FOP's social media platforms and our website for the latest legislative news! To send a message to your members of Congress asking them to support FOP priority legislation, visit the FOP Action Center at [votervoice.net/FOP/home](https://votervoice.net/FOP/home).

## WASHINGTON REPORT

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The campaign, which began during the August recess, has been successful — we added one Democrat and 10 Republicans as co-sponsors of the bill, including five Republican members of the Judiciary Committee: Representatives Scott L. Fitzgerald (R-Wis.), Thomas P. Tiffany (R-Wis.), Nathaniel Q. Moran (R-Texas), Lance C. Gooden (R-Texas) and Russell W. Fry (R-S.C.).

We urge all of our members to contact their representative and ask them to support H.R. 743!

### **Legislative Update: Debbie Smith Act Passes House!**

The House considered and passed H.R. 1105, under a suspension of the rules on a 405–0 vote. The bill, which the FOP supports, would reauthorize the Debbie Smith DNA Backlog Grant Program at current funding levels through FY 2029 and was transmitted to the Senate. The Senate passed a similar bill, S. 499, earlier last month. The bills will have to be reconciled before the bill can be sent to the president to be signed into law.

### **Legislative Update: Medicare at 50 Introduced in the House and Senate**

Our Washington, D.C., office worked with Representative Dean B. Phillips (D-Minn.) and Senator Sherrod D. Brown (D-Ohio) to develop H.R. 6030/S. 3113, the Expanding Health Care Options for First Responders Act, which would allow law enforcement and other public safety professionals the option to buy into Medicare at the age of 50.

This legislation directs the secretary of the U.S. Department of Health and Human Services to establish premiums based on the risk pool for public safety officers who opt into the programs as a separate population, but they would remain eligible for tax credits and cost-sharing subsidies to help them purchase insurance. Once the officer reaches the age of 65, he or she would be seamlessly entered into the traditional Medicare program.

This legislation is very important to our members because it provides them with a bridge of coverage following

retirement until they reach the age of 65. While the enactment of the Social Security Fairness Act is a top priority, we will also be working hard to grow support for this legislation as well to ensure the very best retirement for our members who served and sacrificed for their communities. Currently, the House bill has nine co-sponsors and the Senate bill has two co-sponsors. Ask your representative and both of your senators to support this legislation and educate them about the challenges we face upon retirement.

### **Legislative Update: House Bill Introduced to Restore Collective Bargaining Rights for D.C.'s MPD**

In January of this year, the Washington, D.C., City Council enacted the Comprehensive Policing and Justice Reform Amendment Act (CPJRAA), which stripped away the right of officers serving the Washington, D.C., Metropolitan Police Department (MPD) to bargain collectively with the city over disciplinary procedures — a right that every other city agency still has. It also repealed the requirement that the MPD must commence discipline against their officers within 90 business days, which will result in abusively long disciplinary investigations that violate the constitutional rights of these officers. The CPJRAA also provides for the disclosure of disciplinary records — including personally identifiable information — potentially placing these officers in jeopardy.

Recognizing the egregious impact on MPD and public safety in the District of Columbia, Congress took the highly unusual step of offering H.J. Res. 42, a resolution disapproving of the new law and blocking its implementation. The House passed the measure on a bipartisan 229–189 vote, and the Senate adopted the resolution on a similarly bipartisan 56–43 vote. Regrettably, the resolution was vetoed by President Biden and the House fell short of an override effort. The president noted that he did not support every provision in the CPJRAA, which included “commonsense police reforms.”

The FOP worked with Representative Andrew R. Garbarino (R-N.Y.) to

*Continued on page 34 >*





# The FOP Store

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[www.thefopstore.com](http://www.thefopstore.com)

## WASHINGTON REPORT

Continued from page 32 >

develop H.R. 5798, the Protecting Our Nation's Capital Emergency Act. The bill will undo the most egregious and harmful provisions in the D.C. law — provisions that the House and the Senate were united in opposing. The bill would restore the collective bargaining rights, nondisclosure protections and disciplinary protocols of MPD officers that were lost in the implementation of the CPJRAA.

We are also working with staff in the office of Senator J.D. Vance (R-Ohio) to develop a Senate companion bill.

### Other Legislative Activity

Since the last issue of the *Journal*, the FOP has supported the following legislation:

- **H.R. 3658**, the Joint Task Force to Combat Opioid Trafficking Act, which combats opioid trafficking by authorizing the creation of a joint task force under section 708 of the Homeland Security Act of 2002 to improve the U.S. Department of Homeland Security's (DHS) border security operations in assisting the prevention, interdiction and disruption of opioids, such as fentanyl and xylazine, from entering the United States
- **H.R. 3501**, the Law Enforcement Training for Mental Health Crisis Response Act, which would provide law enforcement training so that they can better recognize and respond appropriately to behavioral health crises caused by mental illness and substance abuse
- **H.R. 4911**, the Supporting the Health and Safety of Law Enforcement Act, which would fund a pilot program that would place social workers within law enforcement agencies
- **H.R. 5798**, the Protecting Our Nation's Capital Emergency Act, which would undo certain provisions of the Comprehensive Policing and Justice Reform Amendment Act (CPJRAA) passed by the Washington, D.C., City Council
- **H.R. 6030/S. 3113**, the Expanding Health Care Options

for First Responders Act, which gives law enforcement and other public safety professionals the option to buy into Medicare at the age of 50

- **H.R. 6246**, the Eliminate Network Distribution (END) of Child Exploitation Act, which would improve the effectiveness of the CyberTipline, the nation's centralized reporting system for the online exploitation of children
- **S. 2567**, the Stop Computer Crimes Proliferation Act, which would reauthorize the programs in the Computer Crime Enforcement Act

### Sign Up for the Weekly Update for the Latest News!

The *Update* is a valuable tool for members and local lodges to keep them up to date on the latest information on legislation important to law enforcement and the news from our nation's capital. To sign up to receive the update via email, please visit [tinyurl.com/pw73z96p](https://tinyurl.com/pw73z96p).

Make sure to check out our social media pages, as the daily posts are the best way to keep up with the National FOP's daily activity. Follow the National FOP on:

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

**Do your part!** Please **share, comment and like** our content.

### Check out the Blue View Podcast!

Every episode of the FOP's podcast, entitled the *Blue View*, is available on the FOP's YouTube channel! National President Yoes hosts the podcast, which has featured guests from Capitol Hill and within the FOP, as well as law enforcement experts and leaders from around the country, to gain better insight into the issues and current events in the law enforcement community.

On one of the recent episodes of the *Blue View*, National President Yoes and Rick Smith, the chief executive officer for Axon, discussed innovations at the intersection of technology and public safety. You can watch that episode at [tinyurl.com/y7ca5xbd](https://tinyurl.com/y7ca5xbd).

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

### The National FOP PAC Needs You!

The National Fraternal Order of Police Political Action Committee (NFOP PAC) needs more of our members to contribute to ensure that our PAC has the resources to support candidates who will fight for our officers and the issues that are important to them. We are encouraging more lodges to follow the example of the Long Beach Police Officers Association in California, which contributes more than \$1,000 every month through their payroll deduction program.

**The next election is less than a year away! We are asking all FOP members to find a way to contribute to the National FOP PAC. Our profession depends on having well-informed lawmakers who listen and understand the challenges facing law enforcement today.**

We are urging members (and lodges) to sign up for recurring, monthly contributions using their credit card. This is the most effective and reliable way to contribute and to strengthen our PAC.

These contributions need not be for hundreds or thousands of dollars (though these are also very much appreciated) — but every dollar helps! If every FOP member gave just \$1, we could raise \$367,000! If 10% of our members gave just \$5 this year, we would raise \$183,500. We can and need to do better raising funds for our PAC!

To donate online, please visit [tinyurl.com/2p8ec7xf](https://tinyurl.com/2p8ec7xf). If you would like to donate via check, please make it out to the National Fraternal Order of Police Political Action Committee and mail it to 328 Massachusetts Ave. NE, Washington, D.C., 20002. For inquiries about our effortless payroll deduction program or to sign up for our recurring monthly credit card donations, please contact the Steve Young Law Enforcement Legislative Advocacy Center at (202) 547-8189 or David Taboh at [dtaboh@fop.net](mailto:dtaboh@fop.net).

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



# There Is ALWAYS Another Option

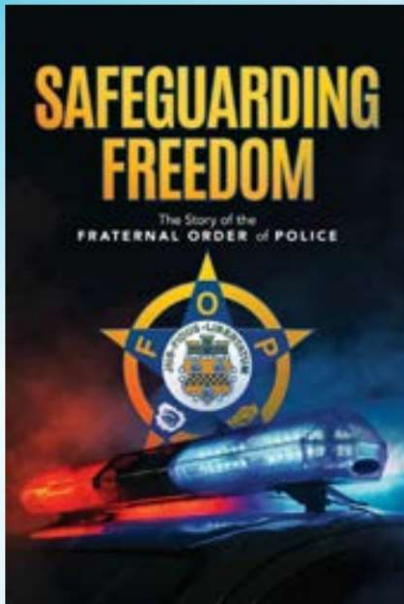
## FOP Vetted and Approved Crisis Hotlines



Circle Back later in hour, 24/7, and confidential



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



### **SAFEGUARDING FREEDOM:** *The Story of the Fraternal Order of Police*

The National Fraternal Order of Police History Committee and the National Board of Trustees are excited to present you with a new book, *Safeguarding Freedom: The Story of the Fraternal Order of Police*. This literary work is the result of reviewing historical documents, combing through thousands of photographs and conducting interviews to give the reader a comprehensive history of how the Fraternal Order of Police has impacted policing in America. Author Max DiLallo, co-author with James Patterson on numerous books, along with the direction of National History Committee Chair David Stevens, has worked tirelessly over the past year to reveal the journey of the FOP.

This fantastic book is available from the National Office for \$25 plus tax, and the proceeds benefit our National FOP Foundation. Call (800) 451-2711 or email Lori at [lharris@fop.net](mailto:lharris@fop.net).



# 2024 National Fraternal Order of Police Legal Counselors Seminar

The 2024 National Fraternal Order of Police Legal Counselors Seminar will take place on February 1–2 at Planet Hollywood in Las Vegas, Nevada. The seminar will focus on navigating the complex legal landscape confronting law enforcement today. As with prior seminars, the National FOP has assembled experienced and distinguished practitioners from across the country to provide not only informative legal updates, but practical tips and information for handling the unique issues that challenge lawyers representing law enforcement.

The 2024 Legal Counselors Seminar will explore the unique legal issues faced by police officers and the legal professionals who work alongside them. Topics will include privacy rights for police officers, representing an officer in a use-of-force case, combating placement on *Brady* and *Giglio* lists, an overview of recent changes to certification and decertification processes, and cases addressing an officer's duty to intervene, report and/or render aid. The seminar will also include a roundtable discussion moderated by General Counsel Larry H. James, for a deeper dive into some of the most recent hot-button issues impacting police officers.

National President Patrick Yoes will open the seminar with a general update on the National FOP. He will address the benefits that our Listserv is providing to practitioners representing law enforcement. President Yoes will also provide a comprehensive overview on matters affecting law enforcement throughout the country, including key legislative initiatives taking place across cities and states.

When the *Akron Beacon Journal* sought to compel the city of Akron, Ohio, and its police department to provide personnel records with the unredacted names of Akron police officers involved in use-of-lethal-force incidents, the lawyers for the officers sprang

into action. Before any investigation into the shooting had occurred, the officers and their families faced threats of violence and harm. Gwen Callender and Susannah Muskovitz will discuss strategies that worked — and did not work — to protect the identities of the officers.

Use-of-force cases often bring law enforcement officers into the legal (and public) spotlight. The principles of reasonableness, as established in the landmark case of *Graham v. Connor*, still guide the evaluation of an officer's use of force. Lance LoRusso, a former law enforcement officer himself and current general counsel to the Georgia State Lodge, has represented over 100 officers in on-duty shootings or in-custody deaths. He will bring his plethora of knowledge and experience to discuss effective tools to use when representing an officer in a use-of-force case before an administrative body, trial court or grand jury proceeding.

Designation on a *Brady/Giglio* list means that an officer has credibility concerns as a witness and will not be called to testify at trial. If an officer is unable to testify regarding their involvement in a case, i.e., making arrests, investigations or handling evidence, the officer is functionally unable to perform a critical part of their job. As a result, officers are placed on restricted duty, stripped of their police authority or deemed no longer employable. With little

court direction or laws expressly outlining *Brady/Giglio* list obligations, these lists have developed sporadically and inconsistently. Leo Blackwell and John Kautzman will equip attendees with negotiation, litigation and legislative strategies to combat the weaponization of *Brady/Giglio*.

Practically all states have established a formal mechanism for certifying police officers, akin to the licensure procedures for various other professions. Nevertheless, a few states have opted for administrative or regulatory methods instead. Similarly, state laws can encompass provisions for decertification, or states can address this issue through administrative channels or regulatory processes. States that possess pre-existing statutory guidelines for certification and decertification are more prone to proposing and implementing amendments compared to states that have not initiated such systems from the ground up. Depending on the specific state and the framework already in place, revisions made in the past three years have spanned a spectrum from comprehensive and far-reaching to precise and technical in nature. Chris Green and Marissa Borschke from the Office of the General Counsel will present an overview of recent trends in certification and decertification. Additionally, Tamara Cummings, who has been at the center of many battles with the Illinois State Legislature over the past several years

## Just the Facts:

▶▶ The 2024 National FOP Legal Counselors Seminar will be held on February 1–2 at Planet Hollywood in Las Vegas, Nevada. The seminar will explore the unique legal issues faced by police officers and the legal professionals who work alongside them. Topics include privacy rights for police officers, representing an officer in a use-of-force case, combating placement on *Brady* and *Giglio* lists, and much more. For registration information, visit [tinyurl.com/3wuepndu](https://tinyurl.com/3wuepndu).





regarding wide-ranging police reform proposals, will then provide a case study specifically on Illinois' certification and decertification processes.

*Garrity* and *Loudermill* rights are designed to protect public employees, including police officers, during administrative investigations. Officers must be informed of their rights when subject to questioning, as statements made under compulsion can have serious legal implications. John V. Berry represents federal employees, government contractors, employers, state employees, federal intelligence agency employees, law enforcement officers, firefighters and private-sector employees in various employment, labor and national security law matters. John will provide strategies for when lawyers find themselves in a case with *Garrity* implications.

The Department of Justice can respond to allegations of police misconduct by initiating formal investigations. The result of those investigations is sometimes settled through executing a consent decree between the local police department and federal government. While this is not a new concept, the country saw an increase in consent decrees and other measures taken after George Floyd. As part of the second day of the seminar, Marissa Borschke will present on the status of the recent consent decrees, the benefits and complaints of these agreements, and other

attempted reforms in the post-George Floyd policing environment.

Michael Coviello, associate general counsel from the National FOP Labor Services Division, will present on medical and mental health issues for officers in fitness-for-duty matters. This presentation will include key considerations for protecting an officer's job and privacy rights.

Law enforcement officers have legal duties to intervene imposed upon them by state laws, federal constitutional law and agency policies. Since May 2020, state legislatures across the country have enacted laws aimed at law enforcement accountability and oversight. These laws include affirmative statutory duties for officers to intervene in, and report on, instances of excessive force or other violations of an individual's rights. For example, Colorado, Connecticut, Minnesota, Nevada, Oregon and Vermont created affirmative statutory duties to intervene. As a matter of federal constitutional law, an officer's duty to intervene has existed for decades. Chris Green will present an in-depth discussion on the legal duties and liabilities of officers, including the duty to intervene, duty to report and duty to render medical aid covered by state law, case law and department policy.

Lastly, General Counsel Larry H. James will be joined by Lance LoRusso, Tamara Cummings and John Kautzman to lead a roundtable discussion on topics impacting the various jurisdictions that our lawyers represent.

This session will open the floor for attendees to seek insight on specific topics or to provide ideas and solutions to any of the unique issues impacting law enforcement officers.

Up to 12 credits of CLE-approved training are available at the 2024 Legal Counselors Seminar. All FOP lodges are **highly** encouraged to recommend that their attorneys attend. In addition to all of the information given to attendees during the conference, we will also provide each attendee with a flash drive containing comprehensive materials prepared by each of the presenters. We look forward to seeing you in Las Vegas in February and to holding informative, timely discussions on issues impacting law enforcement. Please visit [tinyurl.com/3wuepndu](https://tinyurl.com/3wuepndu) for information on how to register, or contact Toni Dixon at [tdixon@fop.net](mailto:tdixon@fop.net). **FOP**

## FOP GENERAL COUNSEL

500 South Front Street,  
Suite 1200

Columbus, Ohio 43215

**Phone:** (614) 229-4567

**Cell:** (614) 581-1125

**Email:** [ljames@cbjlawyers.com](mailto:ljames@cbjlawyers.com),  
[cgreen@cbjlawyers.com](mailto:cgreen@cbjlawyers.com)



# The 'Outreach' in Education and Outreach



There is a component of my job that deals with outreach. What exactly does that mean? Outreach could mean a myriad of things. In my life as the FOP's liaison to the Collaborative Reform Initiative Technical Assistance Center (CRI-TAC), I have had the opportunity to work alongside law enforcement professionals and executives from every conceivable walk of life, including representatives with **NOBLE**, the National Organization of Black Law Enforcement Executives; **IACLEA**, the International Association of Campus Law Enforcement Administrators; **FBINAA**, the FBI National Academy Associates; **IADLEST**, the International Association of Directors of Law Enforcement Standards and Training; **NAWLEE**, the National Association of Women Law Enforcement Executives; **NSA**, the National Sheriffs' Association; **NTOA**, the National Tactical Officers Association; **IACP**, the International Association of Chiefs of Police; and the **COPS Office**, the Community Oriented Policing Services Office with the Department of Justice. The list above was merely a springboard to other opportunities for outreach and collaboration. Through my work with CRI-TAC over the years, I have had the opportunity to work with the **MCCA**, the Major Cities Chiefs Association, and the **MCSA**, Major County Sheriffs of America, as well.

Stepping further into the universe of organizations representing the interests of law enforcement, I have had the opportunity to collaborate with **NASRO**, the National Association of School Resource Officers, and **FLEOA**, the Federal Law Enforcement Officers Association. This universe morphed into collaborations on Next Generation 911 with various groups working in the emergency telecommunications

field, such as **APCO International**, the Association of Public-Safety Communications Officials; **NENA**, the National Emergency Number Association; as well as **NASNA**, the National Association of State 911 Administrators. The FOP's interest in recruitment and retention and creating an apprenticeship program put me in contact with the U.S. Department of Labor and **Apprenticeship USA**, where a whole other world of opportunities opened up to us. The U.S. Department of Labor conducts stakeholder Zoom calls periodically where we participate in conversations with a plethora of organizations representing working people and major labor organizations. It was through this avenue that I was able to network with representatives of the Sikh community and other nontraditional organizations that interact with law enforcement, not always with the best results.

I illustrate these collaborations to demonstrate the broad circle of influence the FOP has. You will note that many of the groups we deal with are executive-level organizations where often it could be easy for us to fall on opposite sides of an issue. To be sure, historically, we have often been on opposing sides of issues with management groups. However, my observations have revealed that more often than not, because of the long-standing professional reputation of the FOP, conflict has resulted in collaboration and mutual respect. In my interactions within our large circle of influence, I am often asked for our opinion and position on given topics. Often, we are called upon to collaborate on matters affecting rank-and-file officers because we are recognized as a logical place to find what the rank and file really feel about a given subject.

In establishing relationships with other organizations, it is often much easier for us to weigh in on a given subject and get the attention our members so justly deserve. I can say from experience that oftentimes executives simply overlook the obvious effects of certain initiatives, not from a position of malice, but from simply a lack of focus on all areas that their ideas may impact. As American educator and author Stephen Covey once put it, "seek first to understand, then to be understood." In my experiences at outreach, I most always listen to the other side's views with intent interest and with a goal to understand. Once I understand, it is very easy for me to be understood. All this takes patience and an open mind.

Of course, there are also times when we need help or information on a given subject. It's reassuring that we have a catalogue of resources that we can call upon for help. I am always looking for professional organizations that we can network with, so if you have any recommendations, give me a call and I'll follow up. You never know where a relationship may lead us.

Until we meet again, God bless you and God bless the FOP! **FOP**

## FOP DIVISION OF EDUCATION AND OUTREACH

If you have further questions, contact Director Keith Turnery at [kturney@fop.org](mailto:kturney@fop.org), or (815) 482-5620. For more information on CRI-TAC, visit [cops.usdoj.gov/cri-tac](http://cops.usdoj.gov/cri-tac).





# BENEFITS OF FOP MEMBERSHIP

The National Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with over 373,000 members in more than 2,200 lodges. We are committed to improving the working conditions of officers and the safety of those we serve through education, legislation, information, community involvement and employee representation. Here's a quick overview of the wide variety of services and benefits that the FOP offers to its members.

## Legislative Office

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

## Legal Defense Plan

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

## Labor Services Division

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

## National Peace Officers' Memorial Service

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

## FOP Journal

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

## Disaster Relief

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

## Charity Partnerships

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

## Service Providers

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

## Education Services

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

## National Fraternal Order of Police University (NFOPU)

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



For more information on all of these programs, visit [www.fop.net](http://www.fop.net).



# Apples to Apples

It's been said that "all disappointment is the result of an unfavorable comparison." When we compare ourselves to others' skills, talents, blessings and achievements to determine who we are as human beings and whether we measure up, we are often disappointed. So-called "reality TV" only exacerbates this through the phenomenon of "being famous for being famous." Keeping up with ... whomever has seemingly become an obsession. We see youth comparing themselves to celebrities or "influencers" in beauty, athletic skill, artistic talent and even finances.

As unhealthy as this can be, there is great value in comparison when used as a tool. In collective bargaining, comparison is a valuable tool. When used wisely, comparison can be more effective than the most persuasive and gifted negotiator. In fact, the effective use of comparable data, often referred to as "comparables," can make a novice negotiator look like a genius.

There are multiple ways comparables can be used in negotiation. At the outset, comparing wages to the consumer price index, or CPI, is a necessary first step. The CPI is a weighted average of the cost of goods/services in a specific geographical

## Just the Facts:

**>> Comparison is an invaluable tool in collective bargaining. For instance, comparing wages to the consumer price index measures the value of take-home pay, or how "affordable" it is for you to live where you live based on your wages. Another useful comparable is your pay compared to that of similar-sized law enforcement employers in other jurisdictions. However, regardless of what comparables you use in a negotiation, it is crucial that you are making apples-to-apples comparisons.**

area. CPI measures the value of take-home pay. In other words, how "affordable" it is for you to live where you live based on your wages. The great part of the CPI comparison is that it only works in your favor. There is no argument that pay is excessive based on the CPI.

**When used wisely, comparison can be more effective than the most persuasive and gifted negotiator.**

Another comparable is your wages compared to law enforcement officers in other similar-sized employers in other similar communities. Under this comparison, there are a multitude of variables to determine comparability. Jurisdiction type (state, city, county, special district, etc.), calls for service, retail sales, primary types of industries, assessed valuation, population, per capita income, median family income, number of sworn officers, Part I crimes and officers per 1,000 population are among

the most objective and relevant variables when determining whether comparables are truly comparable.

It is also important to make sure you include **all** the jurisdictions that are comparable, not just the ones that favor your bargaining proposals. To do otherwise is to damage your credibility, which you may never be able to repair. Additionally, it is imperative to know that if you end up at impasse, arbitrators and fact-finders rarely move a bargaining unit to the top or number one position of the comparables. More often than not, arbitrators and fact-finders seek the middle or the average of the comparables.

When comparing to other jurisdictions, it is also important to compare not just where you are relative to comparables, but also where you **will be** at the end of the contract term of the contract you are currently negotiating relative to the comparables. It is about catching up **and** keeping up. If you are already at the top, the best comparable may be the CPI.

Regardless of CPI or other jurisdictions, it is crucial that you are comparing apples to apples. Make sure your comparables are truly comparable. If you would like support in collective bargaining, please do not hesitate to call the Labor Services Division. We are here to help. Stay safe. **FOP**



Scan the QR code  
for more information about  
NFOP Labor Services.





## FOP Legal Defense Plan for Retired Officers

Retired officers are eligible for unlimited legal defense coverage for civil and criminal claims associated with the legal carrying and use of a concealed weapon.

Legal defense coverage has become a necessity for law enforcement, both active and retired. That's why the FOP Legal Defense Plan offers the

### **Retired Law Enforcement Concealed Carry Coverage (CCC).**



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and learn how  
to ensure you're  
appropriately  
protected.*

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**For only \$75 per year, coverage includes:**

- Unlimited legal defense coverage when using a plan attorney
- Defense for criminal and civil charges
- Coverage for **retirees** qualified under LEOSA
- Coverage for **retirees** qualified under their own state laws to carry a concealed weapon
- Coverage for carry and use of a concealed weapon

*\*Active officers are not eligible.*

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