

FOP LABOR SPECIALISTS STEP UP // P. 30

FOP



JOURNAL

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JANUARY 2025

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~~WEP / GPO~~



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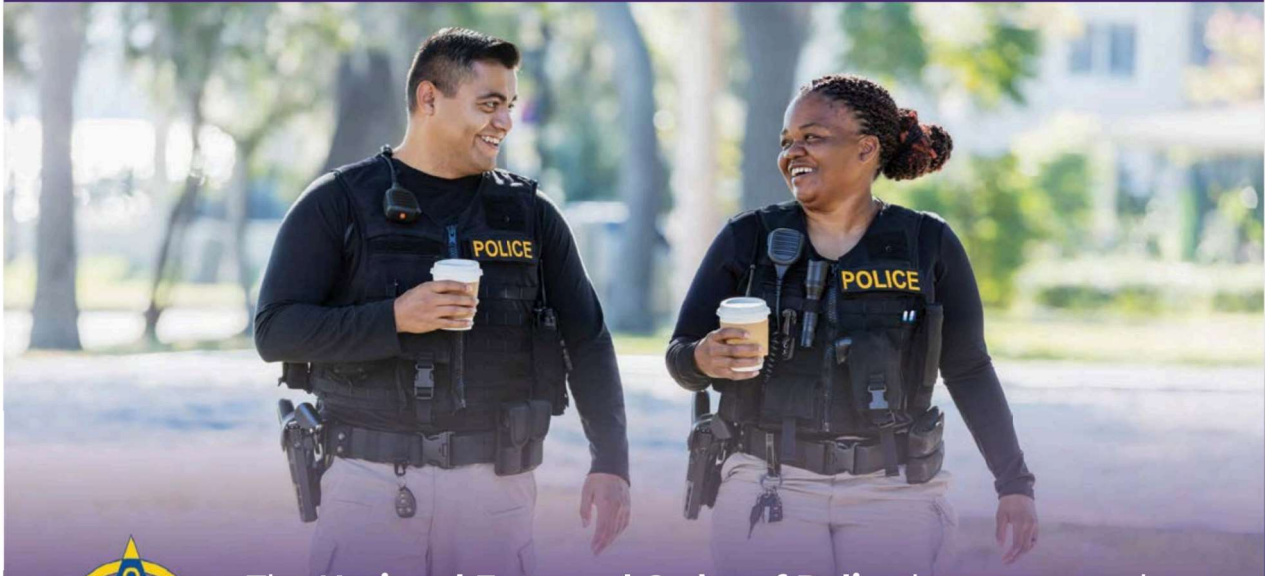
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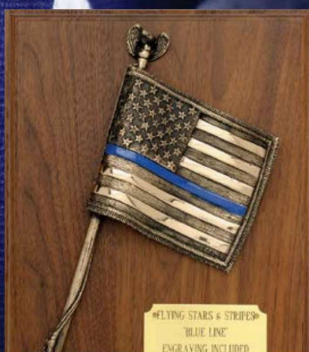
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Historic FOP Victory: The Repeal of WEP and GPO



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

For over four decades, public servants across America have endured an inequity that denied them and their families the Social Security benefits they rightfully earned. Today, I am proud to announce that the passage of the Social Security Fairness Act marks the end of this injustice. The Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) have been repealed, representing a monumental step forward in fairness and equality for public employees.

The Fraternal Order of Police has been at the forefront of this fight from the very beginning. This victory is not just a legislative achievement; it is a testament to the power of perseverance and unity. The FOP's role in this monumental effort cannot be overstated. At every level of our organization, from the National

leadership to the State and local lodges, we worked tirelessly to create and sustain the undeniable momentum that forced Congress to confront this injustice. This victory is a direct result of the strength, resilience and commitment of FOP members across America who never wavered in their pursuit of fairness.

The journey to this historic moment has been long and arduous. Since the WEP and GPO were enacted in the 1980s, they have unfairly penalized public employees who also worked jobs covered by Social Security. These provisions reduced benefits by up to 60% for those with mixed employment histories and deprived surviving spouses of their rightful benefits. What was intended to address "windfalls" instead created severe financial hardships for those who devoted their careers to serving their communities.

This landmark legislation will have a transformative impact on the lives of more than four million Americans and their families. By eliminating these provisions, we are ensuring that retired public servants, including countless law enforcement officers, receive the full Social Security benefits they earned through years of dedicated service. For many, this will mean a significantly improved quality of life, financial security and peace of mind in their retirement years.

This victory would not have been possible without the collaboration and support of key individuals and organizations. We extend our deepest gratitude to Representatives Graves and Spanberger, who championed this cause in the House, and to Senator Sherrod Brown, whose unwavering determination drove the bill forward in the Senate. Senate Majority

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Leader Chuck Schumer's strategic guidance and commitment to fulfilling his promise played an invaluable role in securing this legislative triumph.

We also thank Senators Susan Collins and Bill Cassidy, whose bipartisan leadership helped build the broad support needed to pass the Social Security Fairness Act. Additionally, Senator Amy Klobuchar's steadfast advocacy was instrumental in achieving this milestone and Senator Kyrsten Sinema was the bill's quarterback on the Senate floor.

Our partners in the International Association of Fire Fighters (IAFF), led by General President Ed Kelly, stood shoulder to shoulder with us throughout this fight, demonstrating the strength of our alliance on critical issues affecting our members. The International Association of Chiefs of Police also provided crucial support, working closely with us to advance this legislation.

Finally, we recognize the pivotal role played by President Biden, who committed to signing this bill into law, and President-elect Trump, whose timely intervention provided crucial momentum at a key juncture. Their leadership underscores the bipartisan commitment to correcting this longstanding injustice.

The power of FOP unity and leadership cannot be understated. The repeal of WEP and GPO is one of the most

impactful advancements in the FOP's 110-year history. Since our founding in 1915, the FOP has played a critical role in every major legislative milestone for law enforcement and public employee rights. This victory adds to our extensive list of achievements, further solidifying the FOP's reputation as a powerful advocate for justice and fairness.

This accomplishment would not have been possible without the unwavering support and action of our members. At every level of the FOP, our state and local lodge leaders mobilized their members to write letters, make calls and meet with their representatives and senators. This grassroots effort created an undeniable force that demanded attention and action. The passion and determination of our members across America were the driving forces behind this success. Your voices and persistence ensured that the voices of public servants were heard loud and clear. This victory is not just a win for the FOP but for every public servant who faced these unjust provisions.

The repeal of WEP and GPO is more than a legislative success; it is a statement of our values as a nation. It sends a clear message that the sacrifices and contributions of public servants will not be overlooked or undervalued. As President Biden prepares to sign this bill into law, we celebrate not only the end of a 40-year injustice but also the beginning

of a new chapter for public employees and their families.

While we take this moment to celebrate, we also remain steadfast in our mission. The FOP will continue to lead the charge on issues affecting our members and the law enforcement community. Together, we will build on this success, ensuring that fairness, respect and dignity remain at the heart of our profession.

To every member who participated in this righteous fight: thank you. Your leadership, dedication and resilience have created a brighter future for millions of Americans. This victory is proof of what we can achieve when we work together with a shared commitment to justice.

Lastly, I want to extend our collective gratitude to the dedicated NFOP's legislative staff in Washington, D.C., led by Executive Director Jim Pasco and Senior Legislative Liaison Tim Richardson. They never wavered in their fight against this injustice. Thank you for your service and for being an integral part of this historic milestone. Together, we make history.

This is your moment. This is our moment. Let us celebrate this historic achievement and continue to move forward with the same determination and unity that brought us here.

Thank you for your service and for being an integral part of this historic milestone. Together, we make history. **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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// **WRITE TO US!** If you have further questions, contact Jimmy Holderfield at (904) 813-0067, or jholderfield@fop.net.

Happy New Year, my brothers and sisters. I hope you and your family enjoyed the holidays and celebrated the many blessings you have received. I look forward to our continued good happenings in 2025.

On December 20, shortly before midnight, one of the most iconic events in the past 50 years occurred when the United States Senate corrected an injustice that has loomed over governmental workers (most especially law enforcement officers) for 41 years. The repeal of the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) became a reality with a vote of 76–20 and four nonvoting. The vote required 60 votes to pass. President Biden has committed to signing the bill into law.

The WEP and GPO were enacted by Congress in 1983 with the logic that governmental employees from the various municipalities, counties, states and federal government, entitled to receive a public pension, shall not also receive the entitled Social Security benefits that workers in the private sector receive. In most cases, governmental employees saw their Social Security-entitled benefits reduced by as much as 80% even though they paid into Social Security before, during or after their public service career. The reduction was based on the supposed higher pension we would receive. Adding insult to injury, if your spouse was entitled to your survivor's pension benefits, their Social Security benefits were reduced as well, even though they worked in the private sector. Totally unfair.

The National Fraternal Order of Police has made the repeal of the WEP and GPO its top legislative priority since it became law. Every congressional session since 1983 has been met with the FOP demanding repeal. There have been numerous lawmaker friends of the FOP in both chambers who have introduced and co-sponsored the necessary legislation, but we just couldn't gain the traction needed for passage. That all changed in 2021.



National President Yoes, National Secretary Holderfield, NC State President Effler and Legislative Executive Director Pasco gather before the rally

In my opinion, this is the most significant positive benefit change for FOP members and their families at the federal level since the congressional enactment of the Public Safety Officers' Benefits Program (PSOB) back on September 29, 1976. At the time, Past National President Pat Stark (Indianapolis) made this a reality by skillfully maneuvering Congress to create the act, which granted a \$50,000 cash benefit to the spouse of a law enforcement officer killed in the line of duty. The downside was no annual adjustment for inflation was included. The benefit was passed by Congress based on the logic that it would assist agencies in recruiting and retaining law enforcement officers. Sound familiar?

Nearly 20 years after the PSOB's existence, Past National President Dewey Stokes (Columbus) saw the \$50,000 benefit did not carry the same value due to inflation. He, along with then-newly hired National Legislative Director Jim Pasco, set out to make changes. They were successful in increasing the benefit to \$100,000 on November 11, 1988, implementing an annual adjustment to increase the benefit

based on the Consumer Price Index (CPI) on October 1 of each year.

There have been numerous benefit upgrades over the years to the PSOB, including educational benefits to surviving children and, most recently, the inclusion of PTSD and officer suicide claims resulting from experiencing certain traumatic events. Today, the benefit entitlement is \$444,575.

President Pat Yoes, along with Legislative Executive Director Pasco, devised a strategy to get the job done. President Yoes tirelessly met with U.S. House representatives, senators, administrations, lobbyists and other governmental employee organizations and crafted a distinct yet simple message: **repeal the steal!** He enlisted the help of Representative Abigail Spanberger (D-Va.) and Representative Garret Graves (R-La.) to sponsor this bipartisan bill (H.R. 82), and Senator Sherrod Brown (D-Ohio) to sponsor the Senate version, S.597. Then, the uphill battle began.

Hardly a week went by that our State presidents, National trustees and local lodge leaderships didn't receive an update and



FOP members gather from around the nation

requests to have their respective members contact their legislators.

Historic rallies were organized at the Capitol by the FOP and the International Association of Fire Fighters, and we were joined by IFPTE, APWU, AFGE, NEA, AFSCME, AFL-CIO, SEIU, NARFE, AFT and ARA members. Our sisters and brothers attended mass, and our voices were heard loud and clear. Numerous congressional friends attended as well and stood with us as we demanded fairness and justice. The highlight was the rally on December 11 when Senate Majority Leader Chuck Schumer committed to President Yoes that he would bring the House version to the Senate floor for vote and passage. He was true to his word.

In the weeks leading up to the recess of both chambers, but especially the last full work week of the session, which ended on December 20, President Yoes received tremendous pressure from Senate leaders to compromise. Pat didn't waver! **He stood FOP strong and said no!** He told them all that they

have had 40 years to fix this "embezzlement" of his members' contributions to Social Security, and it's long overdue to get it fixed. Even at the very end, four senators tried to attach amendments to the bill that would have either gutted it or outright killed it. Their attempts failed.

I know all this firsthand because I, along with our entire Executive Board, have been with President Yoes and witnessed the attacks on him and our great Order. I am honored to have played a small part in the successful passage of the repeal of the WEP. I am equally proud to have been a part of Dewey Stokes' "leadership team" back in the 1980s when we corrected the inadequacy of the PSOB. I'm most appreciative and proud of all the State and local lodge leaderships and our members who busted their butts calling, emailing and visiting their elected representatives demanding the repeal. This goes to prove that when we work as a **team**, in unison, we are unstoppable and can overcome adversity and accomplish anything. Let's keep this

momentum up and now focus on the Protect and Serve Act.

I encourage you to review your Social Security contribution amounts by the years you have worked and paid into the trust. The Social Security Administration maintains the records of all workers who have paid Social Security. You can also see what your entitlement is based on the age you elect to receive benefits. Go to **SSA.gov** to create a secure account. I especially encourage those of you who are still working to see what you have contributed and to determine what you need to contribute in the future to receive the maximum benefits. Many assume that if they participated for 40 quarters, they would receive the maximum benefits. The SSA bases your entitlement on "substantial earnings," which is a minimal amount of earnings you must pay into Social Security, and it increases each year based on numerous factors.

Happy New Year, my brothers and sisters, and know that my staff and I stand ready to assist you anyway we can. **FOP**



FOP members listen to Senator Schumer



Texas National Trustee Plowick, Indiana National Trustee Hamer, Past NC State President Hagler and Texas State President McNear discuss the program

A MEMORABLE MEETING WITH PRESIDENT-ELECT DONALD J. TRUMP

National Fraternal Order of Police President Patrick Yoes and Executive Director Jim Pasco met with President-elect Donald J. Trump at Mar-a-Lago to ask for his help in the bipartisan effort to pass H.R. 82, the Social Security Fairness Act.

During the meeting, President-elect Trump expressed his commitment to help pass this critical legislation, which will ensure public employees receive the benefits they have earned — just like every other American.

“You have been fighting for this for many years, and I know how important it is to you. You and your members have been good to me, and I am going to help you with this,” Trump stated.

The House of Representatives passed this bill with overwhelming bipartisan support, and the U.S. Senate passed the measure, 76–20.

The Fraternal Order of Police worked tirelessly on behalf of our members to see this effort through. “**Finally!** Our members will receive the benefits they earned.” **FOP**



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UPCOMING EVENTS

FOP CALENDAR

Labor Leadership Training

February 11–12, 2025
Las Vegas, NV
Info and registration:
national.fop.net/labor-2025

Legal Counselors Seminar

February 13–14, 2025
Las Vegas, NV
Info and registration:
national.fop.net/legal-2025

Wellness Professionals' Forum

February 16, 2025
Nashville, TN
Info and registration:
national.fop.net/wellnessprofforum2025

Officer Wellness Summit

February 17–18, 2025
Nashville, TN
Info and registration:
national.fop.net/wellness2025

Spring State Presidents Meeting

March 13, 2025
Salt Lake City, UT
Info and registration:
utahstatefop.com/images/Spring-2025-Presidents-Board-Meeting-2.pdf

Spring National Board Meeting

March 14–15, 2025
Salt Lake City, UT
Info and registration:
utahstatefop.com/images/Spring-2025-Presidents-Board-Meeting-2.pdf

2025 Labor Leadership Training and Legal Counselors Seminar

Planet Hollywood, Las Vegas, February 11–12 and February 13–14

Register now! The Labor Leadership Training will be held February 11–12, and the Legal Seminar will follow on February 13–14. These events will feature presentations and discussions on a wide variety of issues and topics that impact law enforcement labor leaders and legal counselors and the officers they represent. Attendees of the Legal Seminar will be able to earn up to 12 CLE credits. For more info, visit national.fop.net/labor-2025 and national.fop.net/legal-2025.

Topics and Discussions

- Developments in public safety labor issues

- Artificial intelligence and law enforcement policy
- Panel discussion on current labor issues and negotiations
- Improving the future of policing
- Artificial intelligence in policing today
- Overview and update on civilian review boards
- The “just cause” standard
- Decisions regarding police actions
- General counsel comprehensive overview on issues affecting law enforcement **FOP**



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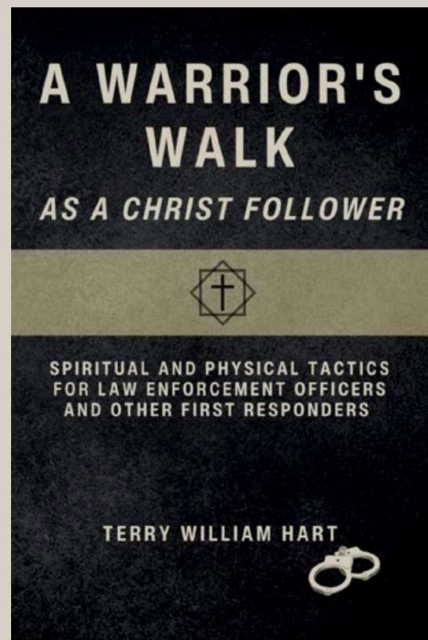
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**A Book Written by a Law Enforcement Officer
Available at Amazon**

Law enforcement officers and other first responders often see the gritty, dangerous elements of society and must make split-second decisions when confronting life and death situations. This book is written by an experienced Christian law enforcement officer who knows and understands the unique stresses of the job and the need to find spiritual, mental, and physical wholeness in the midst of it all. This book is for all first responders who put their lives on the line.

Part 1 is a devotional. Terry Hart uses true stories from his law enforcement career – stories that officers and others first responders can relate to – and links them to biblical truths about the nature of mankind. God's unchanging character and love, and our relationship with God.

Part 2 is a practical guide of essential concepts and safety procedures for law enforcement officers. Terry Hart details some of the most important steps officers can implement on the job and in their personal lives to stay safe, remain well, and go home alive.

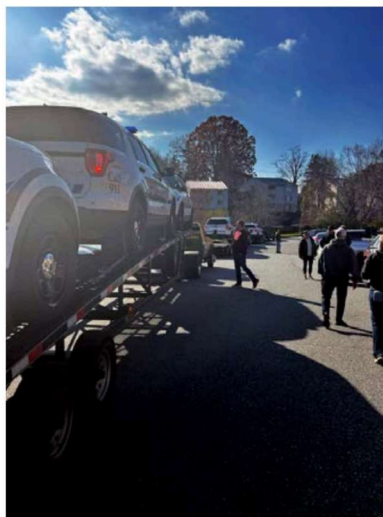


Terry Hart has nearly 42 years of experience in law enforcement, education, and officer training. He began his career in the Long Beach City Jail and then spent most of his career working patrol in Stanton, California. He also worked his off-hours as a part-time defense tactics and baton instructor at a California law enforcement academy.

In addition, Terry has been a basic pistol instructor for POST and the NRA, and he holds a 3rd-degree black belt in Yoshinkan Aikido. Currently, he is a lieutenant with the Airport Police Services in Wyoming. Most important, Terry Hart has been a Christ follower for the past 50 years and throughout his career in law enforcement.

OHIO

Thank You, West Chester, Ohio, FOP Lodge #186



RANDY HAGLER / NC FOP STATE
IMMEDIATE PAST PRESIDENT

The fraternalism of the FOP was on display long after Hurricane Helene devastated parts of the southeastern United States and western North Carolina. Our brothers and sisters from West Chester (Ohio) FOP Lodge #186 stepped in to help in a big way.

On November 29, a caravan of trucks, trailers and police cars arrived in Marion, North Carolina, from West Chester, Ohio, to deliver five Ford Explorer police vehicles for western North Carolina towns.

The cars were going to police departments that were greatly affected by

Hurricane Helene. After contacting NC FOP State President Chet Effler and the State trustee from our Asheville Lodge, Jimmy Wingo, we were able to determine the great need for the cars.

President Effler and State Trustee Wingo were able to identify four police agencies that badly needed the assistance. The police departments that stepped up and accepted the gift from West Chester, Ohio, were Old Fort, Black Mountain, Montreat College and Spruce Pine.

I was contacted in late October by Brent Lovell of the West Chester Township FOP Lodge #186 about his lodge and the town of West Chester, Ohio, wanting to partner to assist North Carolina communities that

were badly affected by Hurricane Helene. West Chester was in the process of rotating five Ford Explorer vehicles out of police service. Rather than selling them at auction, they decided to donate them to police departments in North Carolina that needed some assistance.

After several phone calls and texts with the leadership of the West Chester FOP Lodge #186, on November 29, the cars arrived in Marion, North Carolina, for the agencies to deliver the tremendous gift from our neighbors to the north in Ohio.

Representatives from the NC FOP, as well as the towns of Old Fort, Black Mountain, Spruce Pine and Montreat College, were on hand as the three trucks with trailers rolled into the Marion Police Department to make the delivery.

Brent Lovell, who is with the West Chester FOP, and an officer in the township police department, along with several other officers and FOP members, accompanied the vehicles as they were delivered. While the cars were donated by West Chester Township, the cost of having the cars delivered was taken care of by the West Chester FOP Lodge #186. The vehicles were in excellent condition and all with less than 80,000 miles. Each car had been given a tune-up, new tires and a full tank of gasoline before delivery. The police cars had all the emergency equipment (lights and sirens) still installed and working. They were

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.



also equipped with radar units for speed enforcement with front- and rear-facing antennas and a lock box in the rear area for securing additional firearms.

Each police vehicle was full of clothing and toys for the folks in western North Carolina. To say everyone there was shocked by the condition of the cars and how they were ready for immediate police service would be an understatement.

As the cars were unloaded and the departments selected the vehicle they wanted, we talked with the members of the West Chester FOP Lodge about how much we appreciated the thought that went into making this happen. We thanked them for their efforts as well as the extremely kind gesture of the West Chester Township, which had decided to allow the cars to be donated rather than sold.

This type of response is what separates the FOP from other law enforcement organizations. Brothers and sisters are willing to step up and offer any type of assistance needed during tough times. With 377,000 FOP members across the country, we would just like to say thank you to the West Chester FOP Lodge #186. **FOP**

WWW.FOP.NET

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**.





2025 FOP Officer Wellness Summit and Wellness Professionals' Forum Preview

SHERRI MARTIN / DIRECTOR OF WELLNESS

Happy New Year! The 2025 Wellness Summit is coming soon, and we are looking forward to the strongest program ever! This year will mark the sixth annual FOP Wellness Summit, scheduled to take place February 17–18 in Nashville, Tennessee, with the Wellness Professionals' Forum the day prior on February 16. These events bring agendas full of internationally known presenters sharing the most current information on officer wellness. The National Officer Wellness Committee convenes each year to plan the agendas, choosing the most current topics for presentations. We made a shift in the 2025 planning process to include more presentations, and we are more excited than ever about the variety of seminars we are able to offer!

Our 2025 Wellness Summit will kick off each day with the option to join other attendees in getting physically active

by participating in meditation, yoga or a group walk or run. When the main agenda begins each day, we will hear from National FOP leaders and corporate sponsors who have supported the work of the Officer Wellness Committee in making this event possible.

We are excited to welcome Lieutenant Colonel Dave Grossman for our keynote presentation, thanks to a generous sponsorship from Silver Sponsor ValorNet. Lieutenant Colonel Grossman is an internationally known author and trainer whose presentations on mental strength have been heard around the world.

As more funding and resources have become available to police agencies for wellness program development, and as our culture shifts to focus more on officer health, it becomes even more important to learn about best practices. Many agencies

have implemented regular wellness visits for personnel, yet much confusion still exists about the differences between fitness-for-duty and wellness visits, including how agencies can best work with mental health professionals to ensure that their personnel are being cared for.

The 2025 Summit will feature an expert panel of police psychologists who will educate attendees about the ins and outs of mental health work in law enforcement, providing clarity about the purpose and goals of their work.

Over the two days of the Summit, attendees will have the option to choose from over 20 seminars on topics ranging from sleep and nutrition to financial wellness and many others. Our National FOP Auxiliary will be joining us at the Summit this year to share with attendees information about programs for bolstering family wellness that have become a priority for their organization. Some new interventions and methods for treating trauma will be introduced, and our partners at Concerns of Police Survivors and Survivors of Blue Suicide will discuss recent changes to the Public Safety Officer Benefits (PSOB) legislation, which now includes the provision of benefits for qualifying losses of officers who die by suicide. As we hear firsthand from experts in each topic, there is sure to be something for everyone!

We have heard from past Wellness Summit attendees that they have learned a great deal at the Summit by hearing about the experiences of others. At the 2025 Wellness Summit, we are bringing back the Wellness Program Showcase, which will highlight the wellness initiatives developed at the Louisville, Kentucky, Metropolitan Police Department. This session provides an opportunity to share with attendees a real-world example of how one agency's wellness program was instituted, developed and advanced. With agency wellness programs becoming more and more common and increased funding becoming available for their development, these sessions serve to inform both small and large departments and every size in between.

Some of the best ideas for the Wellness Summit come from members of our Officer Wellness Committee! At the 2025 Summit, we will again host the Blue Family room, assisted by our National FOP Auxiliary, which

will provide not only information on the work of the Auxiliary but also a chance for police family members from across the country to come together and

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fellowship. The Summit will feature several breakout sessions designed to be informative for law enforcement families, and for the first time ever, we are offering

a special event registration rate for law enforcement spouses attending with their officers. If you are bringing your family along to Nashville, this is a wonderful opportunity to connect with other law enforcement families!

We look forward to seeing you at the Wellness Summit! We encourage members who know and work with mental health professionals to let them know about the FOP Wellness Professionals' Forum. This one-day seminar takes place on the day before the Wellness Summit begins and provides an opportunity for clinicians to come together and learn from other mental health professionals working in the field through a series of seminars, group discussions and networking. Attendees of the Wellness Professionals' Forum receive a discounted rate to attend the Summit, which we encourage as a way to learn more about officer wellness and the FOP, build bridges and break down barriers and stigma.

Your National Officer Wellness Committee is excited to be kicking off a new year with a focus on wellness, and many exciting developments lie ahead. We look forward to seeing you soon! **FOP**



The NFOP Division of Wellness Services Presents:

2025 OFFICER WELLNESS SUMMIT

Registration Now Open!

February 17-18, 2025 | Nashville, TN



National University

National University proudly offers educational opportunities for law enforcement professionals. We're thrilled to be featured in the *FOP Journal* as a spotlighted educator. Like FOP, we aim to provide the services needed to impact the criminal justice field. Students can earn degrees to advance their careers, like the Doctor of Criminal Justice program.

Program Spotlight: Doctor of Criminal Justice

The Doctor of Criminal Justice (DCJ) program (tinyurl.com/ymnx7ef4) is uniquely structured and beneficial for law enforcement officers. Students interested in advancing their law enforcement careers can complete the program in roughly three years, an ideal timeline for working professionals.

The DCJ curriculum focuses on the applied research and practical skills necessary to solve the challenges criminal justice professionals face. As students complete the program, they gain professional management and leadership skills and a keen understanding of how to solve current issues facing law enforcement.

As a graduate of the DCJ program, students can expect to be able to:

- **Develop policies and budgets** to support the effective administration of criminal justice agencies
- **Evaluate risks and opportunities** in criminal justice agencies based on legal, professional and ethical expectations

And more!



Financial Support: Public Safety Promise Scholarship

We want to make sure that students have an accessible and achievable education and have the opportunity to advance their careers. The Public Safety Promise (PSP) Scholarship is a new opportunity to give back. This scholarship is part of a broader initiative to support all public safety professionals as they advance their education.

Recipients will get a 15–25% tuition reduction, which is good news for degree-seekers. It's especially advantageous for those in the DCJ program. Want to learn more about the scholarship? Learn more about the Public Safety Promise by visiting tinyurl.com/26wjh2zp.

Collaborating With the Cause Research Institute

To support applied research and gain further insights for students, those involved in the DCJ program frequently collaborate with our Cause Research Institute (CRI) (tinyurl.com/23mth2au). They facilitate

the research that directly impacts criminal justice practices and policy.

As we continue to collaborate with the CRI, we provide real-world research applications to the students in the DCJ program — which can help them grow and achieve as learners and researchers.

Connection to the CRI

Through consistent collaboration with the CRI, we support applied research. That collaboration flows into relationships with the DCJ program. As the students get involved with the CRI and gain knowledge, they also have the opportunity to observe and absorb real-world applications for their research.

We hope DCJ scholars will be able to work exclusively with the CRI to publish research and other opportunities. Their real-world examples and continuous research will provide ample material for students who enroll in the program in the years to come. Our connection to the CRI is an opportunity that enormously benefits both parties.

Highlighting the NOBLE Partnership

Advancing criminal justice requires education, research and a commitment to working with many groups. We proudly partner with the National Organization of Black Law Enforcement Executives (NOBLE) to offer an achievable and affordable path to higher education. Public safety professionals protect and serve our communities daily. This is one way we can show appreciation. NOBLE students have access to Public Safety Promise scholarships (tinyurl.com/2y88hnt5).

We're proud to partner with NOBLE and support diversity and innovation in law enforcement leadership through advanced education.

National University Command College

An additional way officers can enter doctoral-level pathways to education is through the NU Command College (tinyurl.com/3vtseeyu). It's the first-ever combined public safety training academy and a unique opportunity for public safety leaders, private sector executives and community-focused individuals to collaborate and enhance their leadership skills.

Taking advantage of the pathway to higher education is an additional tool for leadership and career development — and a natural lead-in to the DCJ program.

Conclusion

If you're a law enforcement professional looking to advance your career and help be part of significant change in the law enforcement sector, we welcome you. Visit the DCJ program page (tinyurl.com/ymnx7ef4) and contact admissions for more information on scholarships and partnerships.

Are you interested in learning further? Visit nu.edu and get started today! **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.



Charles Town, WV



Ashland, OH



Orange Beach, AL



Steubenville, OH



Romeoville, IL



San Diego, CA



Rosemont, PA



Manchester, NH



Tiffin, OH



Cincinnati, OH



Arlington, VA



Adelphi, MD



San Diego, CA



Williamsburg, KY



Fayette, IA



Minneapolis, MN



Wichita, KS



Social Security Fairness Act: WEP/GPO Repealed!



At the Biennial National Conference in Orlando in 1997, the delegates assembled adopted a resolution to support the repeal of the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) — two provisions in Social Security law that unfairly treated certain public employees and have been in place for 40 years.

For the nearly three million law enforcement officers, firefighters and other public employees who collected a pension from their government agency but also worked in jobs that earned them a Social Security benefit, they had that benefit reduced by the WEP by as much as 60%. The GPO reduced or, in most cases, eliminated the benefit received by surviving spouses if they also received a survivor's benefit from a public pension. Over the course of the last 40 years, billions of dollars were unjustly withheld from American workers. If this scheme had been run by a pension board or private money management group instead of the Social Security Administration, they would not have called it an elimination of a windfall or an offset — it would be considered embezzlement.

It took 27 years, 13 Congresses and hundreds of thousands of calls, letters, faxes, emails and face-to-face meetings, but the WEP and GPO provisions have finally been repealed with the enactment of H.R. 82, the Social Security Fairness Act. The bill passed the House in November on a 327–75 vote and in the early morning of the last Saturday before Christmas in the Senate on a 76–20 vote.

Our House sponsors, Representatives Garret N. Graves (R-La.) and Abigail D. Spanberger (D-Va.), skillfully guided this bill through the House despite extraordinary challenges and a

Just the Facts:

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stop-at-all-costs effort by the legislation's opponents. After filing a discharge petition to force a floor vote was filed, two members of the House — in an unprecedented move — broke the rules

This is a historic achievement! The passage of the Social Security Fairness Act has been the top priority for the FOP for nearly 30 years.

of the House in an effort to table the bill. This effort backfired, and the House considered and passed the bill under a suspension of the rules, with a majority of both the Republican Conference and Democratic Caucus voting in its favor.

The fight then shifted to the Senate. Earlier in December, the FOP and our stalwart allies at the International

Association of Fire Fighters (IAFF) spearheaded a rally outside the U.S. Capitol along with the leaders of other public sector unions and the representatives and senators who supported our bill. Senator Chuck Schumer (D-N.Y.), the Senate majority leader, spoke and vowed to bring the bill to the floor for a vote.

Senator Schumer kept his word. The FOP and the IAFF, along with our partners in the International Association of Chiefs of Police (IACP) and other unions, immediately engaged to broaden support for the Senate bill, which had 62 co-sponsors — including 13 Republicans — on the Senate companion bill. Senator Schumer moved the bill to the Senate calendar and filed cloture on the motion to proceed to the consideration of H.R. 82.

In addition to Senator Schumer, we relied heavily on the bill's Senate sponsors, Senators Sherrod D. Brown (D-Ohio) and Susan M. Collins (R-Maine) to craft and execute a successful strategy to get the bill to a vote. Senators William L. Cassidy (R-La.) and Amy J. Klobuchar (D-Minn.) played key roles in advancing the bill, and Senator Kyrsten L. Sinema (I-Ariz.) served as our "quarterback" on the floor itself, constantly engaging with

members and whipping each and every vote in our favor.

The person who had the biggest impact on the outcome of this effort, however, was not a member of the U.S. Senate but President-elect Donald J. Trump. National President Yoes and I traveled to meet with him at his home in Mar-a-Lago to ask for his support on this bill — especially among Republicans. He delivered, telling us: “You have been fighting for this for many years, and I know how important it is to you. You and your members have been good to me, and I am going to help you with this.”

Once word got out that the president-elect supported the legislation — and that his Vice President-elect J.D. Vance was a co-sponsor — we were able to really broaden our support on the Republican side.

Our opponents, however, were determined to stop the bill and used every parliamentary tool at their disposal to prevent the bill from passing by forcing the Senate to move slowly in the hopes they could run out the clock on the 118th Congress.

Senator Michael D. Crapo (R-Idaho), the incoming chairman of the Committee on Finance, as well as Senators Ted Cruz (R-Texas) and Charles E. Grassley (R-Iowa) posed the most significant threats to the bill’s passage. All three senators tried to prevent the vote, then turned to filing amendments and using Senate procedures to slow down its consideration.

The FOP notched a big victory on the first procedural hurdle, invoking cloture on the motion to proceed on a 73–27 vote. The second vote on the actual motion to proceed passed on a 73–23 vote, but we picked up support from an additional three Republicans. Following the initial collapse of a continuing resolution effort in the House, it looked like the “run out the clock” strategy would force final votes into the weekend or during Christmas week. We knew we had the votes to prevail, but the challenge we faced was convincing enough that members remained in Washington and available to vote during what could have been a partial government shutdown.

The House, however, righted its ship and passed a continuing resolution just hours before the funding deadline and sent it to the Senate. With H.R. 82 on the Senate floor, there was no way for the Senate to pivot to the consideration of the continuing resolution without concluding consideration of the bill. This led to an agreement for expedited consideration of H.R. 82 that allowed for the consideration of four amendments and a budgetary point of order.

All four of the amendments proposed were designed to effectively kill the bill by blocking or delaying the repeal of the WEP and GPO. Under the time agreement, 60 members of the Senate would have to vote in favor of the amendments in order to pass. The agreement also required at least 60 votes to pass H.R. 82 and send the bill to the president.

We defeated the first of two amendments, S. Amdt. 3346, offered by Senator Rand H. Paul (R-Ky.) on a 3–93 vote. His second amendment, S. Amdt. 3352, was also soundly defeated on a 28–67 vote.

Continued on page 24 >

WELLNESS PROVIDERS

Chateau Recovery **Midway, UT**

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

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

therehab.com/services/first-responders

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

firstresponder-wellness.com

Harbor of Grace First Responder Program

Havre de Grace, MD

harborofgracerecovery.com/first-responders

Transformations Treatment Center: Help for Our Heroes Program

Delray Beach, FL

helpforourheroes.com

Warrior's Heart **Bandera, TX**

warriorshheart.com

**Find more vetted and approved wellness providers
and programs at fop.net/officer-wellness/providers.**

Top Priorities in Brief

Passed the House: H.R. 82/S. 597, the Social Security Fairness Act

House: 330 co-sponsors
(120 R, 210 D)

Senate: 60 co-sponsors
(44 D, 13 R, 3 I)

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

House: 88 co-sponsors (23 R, 65 D)

Senate: 3 co-sponsors (2 R, 1 D)

Urge Congress to pass it:

tinyurl.com/37afz34h

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

House: 68 co-sponsors (15 R, 53 D)

Senate: Not yet introduced

Passed the House: H.R. 354/S. 1462, the LEOSA Reform Act

House: 43 co-sponsors (43 R)

Senate: 9 co-sponsors (9 R)

H.R. 743/S. 4258, the Protect and Serve Act

House: 119 co-sponsors (103 R, 16 D)

Senate: 20 co-sponsors (19 R, 1 D)

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

House: 146 co-sponsors (47 R, 99 D)

Senate: 30 co-sponsors (8 R, 21 D, 1 I)

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

WASHINGTON REPORT

Continued from page 23 >

Senator Cruz offered an amendment, S. Amdt. 3360, that was identical to the Equal Treatment of Public Servants Act that was defeated on the House floor in November on a 175–224 vote. The Senate effort to pass this legislation was similarly rejected on a 32–64 vote.

Senator Crapo offered S. Amdt. 3331 last, and it was rejected on a 34–62 vote. Our opponents then played their last card when Senator Michael S. Lee (R-Utah) raised a budgetary point of order to block a vote on final passage. Senator Sheldon Whitehouse, then-chair of the Committee on Budget, moved to waive the point of order and proceed to a vote on H.R. 82. The motion passed 66–30. Finally, the Senate voted on an overwhelming 76–20 vote to send the repeal of the WEP and the GPO to the president's desk.

This is a historic achievement! The passage of the Social Security Fairness Act has been the top priority for the FOP for nearly 30 years. We succeeded because of our hard work and that of our grassroots activists, the leadership of National President Yoes, our allies in the House and the Senate, President-elect Trump, and, to be honest, a little bit of luck.

At no point during the last 30 years did any member of Congress defend the fairness of these provisions. Even our most tenacious opponents admitted the provisions were unjust and needed to be corrected, but they were willing to let this mistreatment continue to avoid making the hard decisions about the future of the Social Security program that they must make in the next decade. For 30 years, they were able to maintain the WEP and GPO by using delays, parliamentary procedure and the powers of the committee system to deny us a vote. We knew that if members of Congress were to vote on the bill directly, we would succeed, and we did.

We do not know at this writing when President Biden will sign the legislation. When he does, the bill becomes law. The effective date is for the “months after December 2023,” which means the WEP and GPO will be retroactive to January 2024. It will take some time for the Social Security

Administration to implement the new law. We will keep you up to date through our website and the *Weekly Update* — so check them often!

House and Senate Pass Temporary Spending Bill to Avoid Shutdown

After a tumultuous week that saw the collapse of a bipartisan, bicameral funding agreement and the failure of a second funding proposal, the House passed H.R. 10545, a continuing resolution that extends the operations of the federal government through March 14, 2025.

The legislation also contains a \$100 billion aid package for victims of national disasters, financial assistance to farmers and a one-year extension of farm and agricultural programs. The bill also contains a package of certain health care provisions. The House passed the bill on a 336–34 vote just hours before the funding deadline.

The Senate took up the legislation and passed it on an 85–11 vote just after midnight on Saturday morning.

NDAA: Most Law Enforcement Provisions Left Out of Final Bill

The Senate passed H.R. 5009, the National Defense Authorization Act, last month, and the president has signed it into law. We were disappointed that only one of the provisions the FOP pressed for was included in the final bill, S. 1170, the Project Safe Childhood Act, which modifies and reauthorizes through FY2028 the Project Safe Childhood Program within the U.S. Department of Justice. The program coordinates child sexual exploitation investigations and prosecutions across federal, state and local law enforcement, as well as providing training to law enforcement on best practices and support for public education programs.

To see a full list of legislation the FOP supported in the 118th Congress, visit tinyurl.com/h4neuf9u. Members should continue to monitor the FOP's social media platforms and our website for the latest legislative news, especially once the new Congress is sworn and seated on January 3.

As of January 3, all legislation introduced in the 118th Congress will die and need to be reintroduced, likely with new bill numbers. The National

Legislative Office will be acting swiftly to get our priorities reintroduced.

The Latest News from the Hill Is in the FOP's Weekly Update

If you aren't receiving the *Weekly Update* from Capitol Hill in your inbox every week, go to tinyurl.com/FOP-weekly-update to sign up. **This is especially important with the new Congress coming in!**

Getting the *Weekly Update* in your mailbox every Friday will help keep you and your members up to date with the latest news from Washington, D.C., especially as we watch the 119th Congress take their seats.

Make sure you are a regular visitor to all of our social media platforms, as these frequent posts are the best way to keep up with the National FOP's daily activity.

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

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

Have You Given to the NFOP PAC? If Not, Give Now!

The election of 2024 is over, but that doesn't mean we do not need to continue to raise funds for the next cycle. It will be here before you know it.

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. With the next election cycle in just two years, now is the time to replenish our PAC funds.

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.

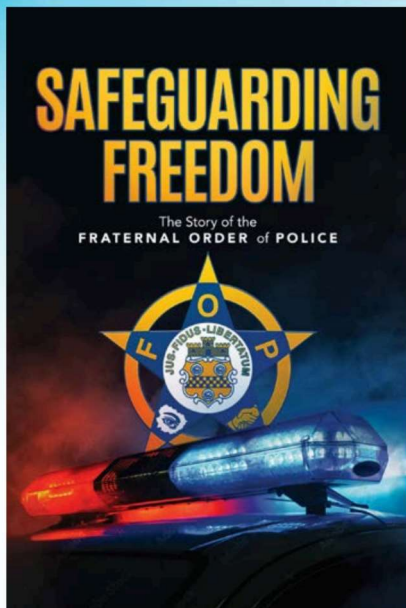
We are urging members (and lodges) to sign up for recurring, monthly contributions using their credit card. This is the most effective

and reliable way to contribute and to strengthen our PAC.

These contributions need not be for large amounts (though these are also very much appreciated) — but every dollar helps! If every FOP member gave just \$1, we could raise \$377,000! If 10% of our members gave just \$5 this year, we would raise \$188,500. We need your support to meet our fundraising goals!

To donate online, please visit nfop-pac.firstresponderprocessing.com. 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 Avenue NE, Washington, D.C., 20002. For inquiries about our effortless payroll deduction program or to sign up for recurring monthly donations, please contact the Steve Young Law Enforcement Legislative Advocacy Center at (202) 547-8189 or David Taboh at dtaboh@fop.net.

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



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 shipping, and the proceeds benefit our National FOP Foundation. Donations of \$30 or more to the Foundation will receive a free book.



SCOTUS to Review *Graham v. Connor* and the “Moment of Threat” Doctrine



The Supreme Court is set to hear *Barnes v. Felix*, a case that could redefine how courts evaluate the use of deadly force by police officers. At issue is the “moment of threat” doctrine, adopted by a minority of federal circuits, including the Fifth Circuit. This doctrine limits the court’s analysis to whether the officer was in danger at the moment of the threat that prompted them to use deadly force — excluding the officer’s prior conduct leading up to such use.

The Fifth Circuit applied this standard in *Barnes v. Felix* to rule that Officer Roberto Felix’s actions during a fatal traffic stop were reasonable and did not violate the Fourth Amendment. With a split among the circuits, the Supreme Court is now stepping in by granting certiorari to resolve this critical issue that could affect the *Graham v. Connor* reasonableness standard for law enforcement nationwide.

On April 28, 2016, Officer Felix responded to a broadcast about a vehicle with multiple outstanding toll violations. After identifying the car, Officer Felix initiated a lawful traffic stop. The driver, Ashtian Barnes, explained that he did not have the requested documentation because the car was a rental. During the interaction, Barnes appeared to be “digging around” in the car, prompting Officer Felix to warn him to stop. Barnes indicated that he “might” have the documents in the trunk and claimed to have turned off the car.

The situation escalated as Barnes was ordered to open the trunk of the vehicle while his left blinder was still on, indicating that the keys were still in the ignition. At one point, Officer Felix asked Barnes to get out of the vehicle. As Barnes opened the driver’s door, the blinker turned back on. Officer Felix

Just the Facts:

» On April 28, 2016, Officer Felix responded to a broadcast about a vehicle with multiple outstanding toll violations. During the interaction, Barnes appeared to be “digging around” in the car, prompting Officer Felix to warn him to stop. At one point, Officer Felix asked Barnes to get out of the vehicle. As Barnes opened the driver’s door, the blinker turned back on. Officer Felix drew his weapon as the vehicle began moving and stepped onto the car’s door sill. While the car was in motion and Officer Felix had no visibility inside, he fired two shots, killing Felix at the scene.

drew his weapon as the vehicle began moving. Officer Felix had stepped onto the car’s door sill at this time. While the car was in motion and Officer Felix had no visibility inside, he fired two shots — one while the car was moving and another shortly after. Barnes was pronounced dead at the scene.

Following the incident, the Houston Police Department’s Homicide Division conducted an investigation and presented the findings to the Harris County District Attorney’s Office, which then presented the case to a grand jury. On August 31, 2016, the grand jury returned a “no bill,” finding no probable cause for an indictment. Additionally, an internal investigation by the Harris County Precinct 5 Constable’s Office concluded that Felix had not violated any of its standard operating procedures.

On December 29, 2017, the parents of the decedent filed a lawsuit against Officer Felix and Harris County under 42 U.S.C. § 1983. Officer Felix invoked the defense of qualified immunity in response to the § 1983 claim. The district court examined whether Officer Felix violated Barnes’ constitutional right to be free from excessive force. Claims of excessive force — whether deadly or not — during an arrest, stop

or other seizure are evaluated under the Fourth Amendment’s reasonableness standard as established in *Graham v. Connor*, 490 U.S. 386 (1989). However, in cases involving deadly force, the Fifth Circuit applies a more stringent test, presuming the use of deadly force is reasonable when the officer has a reasonable belief that the suspect poses a threat of serious harm to the officer or others. In determining the “reasonableness of the officer’s belief,” the court must consider only whether the officer or another person was in imminent danger at the time the deadly force was used. Again, this moment of threat analysis is not uniform among the circuit courts.

The district court observed that courts within this circuit emphasize “the act that prompted the officer to discharge his weapon.” The court further stated that this act must be evaluated “from the perspective of a reasonable officer on the scene, rather than with the clarity of hindsight,” acknowledging that law enforcement officers are often required to make split-second decisions in situations that are tense, uncertain and rapidly evolving.

Consequently, the district court determined that “the moment of the threat” occurred after Officer Felix had

climbed onto the door sill, in the two seconds preceding the discharge of his first shot. During this brief moment, Felix was still clinging to the moving vehicle and reasonably believed it posed a threat of running him over. Expert testimony supported the assertion that Felix's belief in the imminent danger to his life was reasonable, given that Barnes had refused to comply with the deputy's commands to stop the vehicle while Felix was partially standing on the door sill.

The district court also rejected the plaintiffs' argument that any perceived danger by Officer Felix was solely the result of his own actions rather than Barnes'. The court emphasized that the Fifth Circuit does not factor in the events leading up to the shooting when evaluating the reasonableness of an officer's use of deadly force **deviates from standard procedures**. Ultimately, the court concluded that Felix's use of deadly force was "presumptively reasonable" under established Fifth Circuit precedent.

The Fifth Circuit affirmed the district court's decision after the plaintiffs appealed. The Fifth Circuit

reinforced circuit precedent that they may only ask whether Officer Felix was in danger **at the moment of the threat** that caused him to use deadly force against Barnes. And that any of the officers' actions leading up to the shooting are not relevant for the purposes of an excessive force inquiry in that circuit.

The Supreme Court has now been asked to resolve the existing divide among the circuit courts regarding the appropriate standard for evaluating an officer's use of excessive and deadly force. Specifically, the Supreme Court is tasked with determining whether the "moment of threat" doctrine or the "totality of the circumstances" approach adopted by the First, Third, Sixth, Seventh, Ninth, Tenth, Eleventh and D.C. Circuits should be applied. This case tests the standard set in *Graham v. Connor* and aims to clarify the facts and circumstances that courts may consider when assessing the reasonableness of an officer's use of force.

As advocates for law enforcement officers nationwide, the General Counsel for the National Fraternal

Order of Police voiced support for Officer Felix by filing an amicus curiae or "friend of the court" brief. We explained that officers frequently face situations that require split-second decisions. Officers and the public they are sworn to protect cannot afford to proceed uncertainly in tense, uncertain and quickly evolving circumstances. An objectively reasonable use of force in the face of an immediate and potentially deadly threat, such as a moving vehicle, should never be considered unreasonable under the Constitution. **FOP**

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Is There Any Room to Fail Forward Anymore?



I was once told by a trusted law enforcement leader that it was “OK to fail; just fail forward and learn from your mistake.” As a young officer, fail I did, and each time, I learned a little bit more about a specific task at hand. I had the luxury to experiment, try different approaches to community concerns, be creative with a homelessness problem, be innovative with a drug corner and be assertive with a gang problem.

As many of us know, law enforcement is not an exact science. Our communities differ in culture, wealth, services and technologies. What works in one place would never work in a different locale. Then again, something tried in the western part of the country just may work out east, or vice versa. It has often been a trial-and-error kind of business.

I’m not saying that there are not certain constants in our profession. We all must uphold the United States Constitution, the rules and the laws imposed by our states and independent jurisdictions, and basic tenets of our profession. We must be fair, courageous and willing to make the ultimate sacrifice for a stranger or co-worker, be beyond reproach, honest, courteous, community-minded and compassionate, and be human, with all the frailties that we as humans endure.

With all that said, we often worked in the gray areas where there wasn’t a real right and wrong way of proceeding. That’s where we used to have the luxury of failing forward. I don’t know if our new officers entering our noble profession have such a luxury. With social media and cellphone cameras readily abundant in our society, one slip, one misstep — however well-intentioned — can bring down a hailstorm of public criticism from far-reaching corners of the world.

People weigh in without knowing the intricacies of our work nor the well-meaning intentions being put forth. They don’t see the human side of it at all. They see a 20-second clip of a task that took 45 minutes to accomplish. Then the community activists,



sometimes well-meaning, and the politicians, also maybe sometimes well-meaning, jump on the issue, and the next thing you know, you are answering to a boss who has their own well-being in mind over yours. And their question is, “Where did you get the idea that that tactic would work?”

I don’t know if there is a lot of room in today’s form of policing to be able to fail forward and survive. And that’s a shame because that is where most innovation is bred. That is where new and groundbreaking approaches to today’s problems come forward to solve intricate societal problems. Unfortunately, today’s officers are forced to work to the rule, no matter how burdensome or antiquated it is. It’s the only safe place where they can professionally survive.

How does one combat this twist of reality? I really don’t know. But I do know this: There are those of us who represent your interests who still have the luxury of failing forward. And we’ll keep experimenting with new and

innovative approaches to your hindrances so that when you act, there will be some logic and reasoning behind the scenes to back you up.

I hope that your new year is filled with joy, family and friends. 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 Turney at kturney@fop.org, or (815) 482-5620. For more information on CRI-TAC, visit cops.usdoj.gov/cri-tac.



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Persistence, Belts, Suspenders and Ambiguities

Congratulations are in order for NFOP Labor Specialists Michael Edes and Joel Wilkinson of Maine. In 2021, several different classifications in Maine State Law Enforcement came into the Fraternal Order of Police. Edes and Wilkinson immediately began contract negotiations for a successor contract to an existing and expiring collective bargaining agreement.

Standby pay for supervisors was a major issue that was subject to intense negotiations. The state wanted to eliminate the standby pay while the FOP sought to preserve it. The state and the FOP also agreed to streamline the grievance procedure by eliminating an unnecessary and ineffective initial step.

During the interim of the negotiations, the question arose as to whether supervisors were entitled to standby pay, which resulted in seven grievances being filed for each of the seven different state agencies' supervisors who were in standby status. Edes and Wilkinson split the workload, with each filing a portion of the seven grievances.

Because there was an ambiguity in the grievance process, the grievances were filed with different personnel at the state. Here is the genius of persistence and effectiveness of "belts and suspenders." Edes and Wilkinson were aware that the state might claim that the grievances were improperly filed based on the confusion of the new grievance procedure. Edes followed his instincts and filed the grievances electronically via email and hand delivery. He further ensured that all possible state personnel on the receiving and processing end were made aware of the filing in writing via email, regardless of whether those personnel were specifically in receipt of the actual grievances. He also documented all conversations in those emails.

Of course, the state refused to process some of the grievances, claiming that they

Just the Facts:

>> In 2021, several different classifications in Maine State Law Enforcement came into the Fraternal Order of Police. NFOP Labor Specialists Michael Edes and Joel Wilkinson immediately began contract negotiations for a successor contract to an existing and expiring collective bargaining agreement. Edes and Wilkinson were aware that the state might claim that the grievances were improperly filed based on the confusion of the new grievance procedure. Edes followed his instincts and filed the grievances electronically via email and hand delivery. The state refused to process some of the grievances, but the arbitrator saw through this argument and deemed the state's argument to be without merit.

were improperly filed because they were delivered to the incorrect person. This assertion was made despite Edes' notification of all involved and, even more incredulously, despite the grievances being forwarded by the person who initially received them to all relevant personnel.

Of course, the arbitrator saw through this argument and deemed the state's argument to be without merit. In rendering this decision, the arbitrator gave significant weight to Edes' emails as proof that the state was on notice of the grievances, especially since the recipient forwarded them and confirmed this in her own emails to Edes. Had it not been for Edes' persistence and follow-up in **writing**, this issue could have ended the case for some of the grievants.

The reason the state made the arbitrability argument based on the clearly false allegation of errors made by the FOP in the grievance procedure (relying on ambiguity) is clear from the arbitrator's analysis of the case. The substantive claim of the breach of the CBA for refusing to pay standby pay was a slam-dunk for the FOP. The exceedingly **unambiguous** language of the CBA required the standby pay, which the state simply did not want to pay.

Even this slam-dunk win could have been a loss if Edes and Wilkinson had not

been aware of what was happening in each of the units they represent, as well as the requirements of the CBA. Having had that awareness **and** the presence of mind to document **in writing** via email at every step what was being done and said preserved the grievances and resulted in a well-deserved victory for the grievants and the FOP.

On October 25, the arbitrator found in favor of all grievants and awarded back pay retroactive to the date of the grievances. Congratulations on a job well done! **FOP**



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