

MUST-READ OFFICER WELLNESS BOOKS // P. 24

# FOP



# JOURNAL

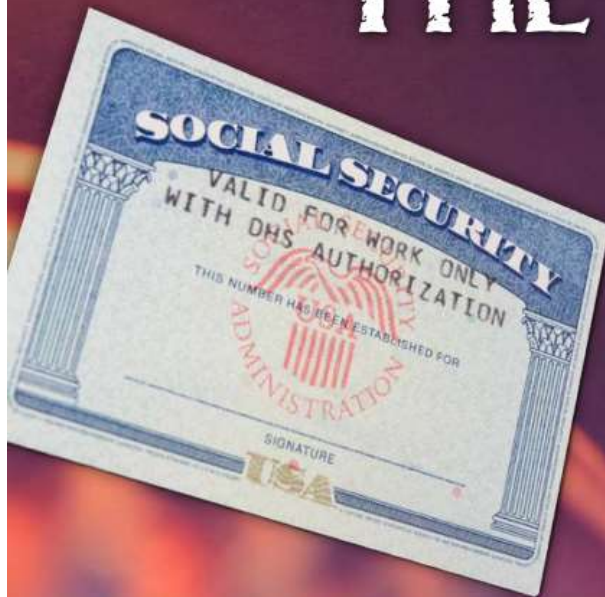
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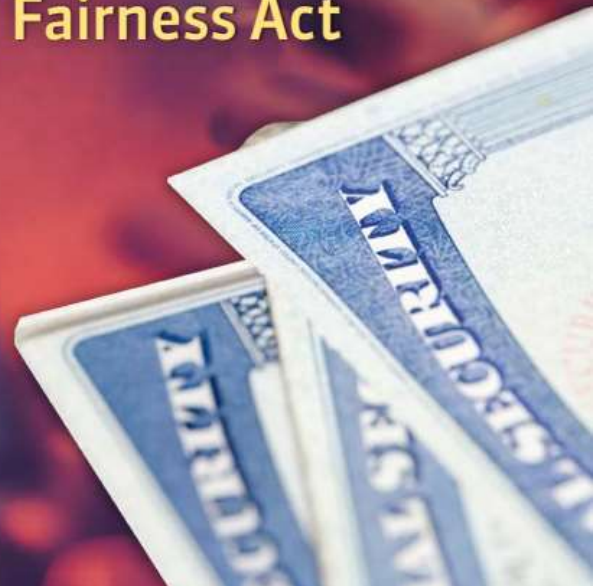
**FOP Gears Up for  
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## Grand Lodge Fraternal Order of Police

**National Headquarters** 701 Marriott Drive, Nashville, TN 37214

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## The Fight Isn't Over Yet

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A House floor vote on H.R. 82, the Social Security Fairness Act, is likely to take place in mid-September. Our members know that we have waged an intense campaign in the House to secure 290 or more co-sponsors on the bill, and we succeeded! This means that, under a House rule, as long as we maintain that level of support for 25 legislative days, the bill will be placed on what is called the Consensus Calendar and then moved to the floor for consideration.

The path forward is still an uncertain one, as we recently learned when the House, while adopting a rule package for the debate on a legislative appropriations measure, changed the Consensus Calendar rules in such a way that it was impossible for us to get to 25 legislative days. We quickly engaged with the bill's sponsors, Representatives Rodney L. Davis (R-Ill.) and Abigail A. Spanberger (D-Va.), and House leadership to reverse the rule change within 24 hours. As of right now, we are back on track for a mid-September floor vote.

However, there has been some pushback in the House from some members of the Ways and Means Committee, which has several competing proposals addressing, in part, the manifest unfairness of the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO). None of these bills, however, have 290 co-sponsors or the broad bipartisan support we enjoy on H.R. 82. That said, there are still a few ways that these members could thwart our efforts to get this bill to a floor vote.

First, the Ways and Means Committee could favorably report the bill. The Consensus Calendar process is for unreported bills only, so if it passes the committee, the rule will not apply. If this occurs, we will seek to bring pressure on House leadership to bring the bill to the floor independent of the rule.

A less likely development would be that current co-sponsors would remove themselves from the bill and take us below the 290 threshold. We are doing everything we can to continue to grow

support for the bill to avoid this possible but very unlikely scenario.

Finally, the House could change its rules — as they attempted to do once already — or, in an extremely unlikely event, not convene until after September 30.

Overall, we are cautiously optimistic that we will see this measure passed by the House of Representatives this month. In anticipation of this development, we are already hard at work laying the groundwork for Senate action. We need 20 more co-sponsors and, of course, a commitment by leadership to consider the bill. There is no rule or certain path to a Senate vote. It depends on having 60 votes and a willingness on the part of the Senate to spend the necessary floor time considering it. Despite the long odds, we are going to do everything we can to make it happen.

I implore all our members to get in touch with your senators and ask them to co-sponsor or thank them for co-sponsoring S. 1302, which is the Senate companion bill. Keep calling and emailing! **FOP**



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# State Conferences, 2023 National Conference, Social Security Elimination Act and Chance to Win Cornhole Board



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

**B**rothers and sisters, it has been an extremely busy month of August for the National Executive Board. Numerous states held their annual or biennial conferences. For most, it was the first time they had met in the past couple of years. In addition, many state lodges have made changes to their executive leadership. I am proud to report the transitions have been cordial. Specifically, I attended the Illinois State Conference, the Pennsylvania State Conference, the Virginia State Conference, the Oklahoma State Conference and the California State Conference. All were well attended, and much business was handled, especially numerous updates to their Constitution and By-Laws.

We are approaching per capita season for the first half of 2023. Per capita is due at the National Secretary's Office on or before November 1, 2022. The 2023 membership cards cannot be issued until the various state lodges have reconciled their local

lodges' membership rosters, and per capita is received based on that count. Per capita not received prior to December 31 will result in members being shut out of the National database system, including not being allowed to purchase merchandise from our online store.

We are only a year out from the National Biennial Conference, which will be held in Las Vegas, Nevada, from August 14 through August 17. Our host hotel is the MGM Grand, and Nevada State President/National Trustee David Moody and his team are busy working on details and events for us all. The hotel has much to offer, with world-class dining, entertainment and a 6.5-acre pool complex, including a "lazy river." Much business will be conducted, and your attendance is requested.

Along the same lines, I will be conducting the drawing for voting order at the National Board of Trustees meeting in Dallas, Texas, this month. I will publish the

results in the October edition of the *FOP Journal*. Knowing where your state votes and what states vote before you will aid in helping you make your departure plans on Thursday of the Conference. Also, now is the time to start planning for any proposed changes to the National Constitution and By-Laws. Proposals from a state or local lodge must be submitted to the National secretary 120 days prior to the Conference, which is Sunday, April 16, 2023. If you need specific requirements on submissions, please contact me.



In this issue, President Yoes gave us an update on the Social Security Fairness Act (H.R. 82 and S. 1302), which repeals the Social Security Windfall Elimination Provision. He, the various state and local lodge leaderships, and our National Legislative Office (led by Executive Director Jim Pasco) have advanced this legislation to a positive position that we have never been able to achieve before. All are to be commended.

Are you affected by the WEP? More than likely, you are, like most of us. In a nutshell, if you were employed by a governmental agency that decided in 1985 not to participate in social security, you are most likely impacted. The way you are impacted is that your agency participated in a governmental pension plan. In doing so, they were given the option of not paying into social security because they contributed to your pension plan. Your pension benefits are higher than what you would receive from social security benefits. Even though you paid into social security through secondary employment or a business that you owned, your social security benefits are reduced by as much as 90% because you receive a higher pension benefit. There is an exception for you obtaining your fair social security distribution. If you meet the minimum "substantial earnings" for



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Continued on page 16 ➤



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## SECRETARY'S MESSAGE

Continued from page 14 >

30 years, you are entitled to both your governmental pension and the full social security payment.

The key variable is "substantial earnings," not to be confused with the required 40 quarters that we all know about. What are substantial earnings? Since 1937, the Social Security Administration has established the minimums each year on how much you need to pay based on wage earnings. As an example, in 1937, you would have needed to pay social security on \$900 earned. In 2022, that amount was \$27,300 earned. Many of us paid social security for years through secondary employment (off-duty jobs), personal businesses or self-employment, but we may have missed the minimum substantial earnings by a few hundred dollars. We obtained the quarters but not the substantial earnings. Unfortunately, the Social Security Administration will not allow us to back pay the differences for those years.

I suggest, especially for our younger members, to check your social security status. Simply go to [www.ssa.gov](http://www.ssa.gov) and register to gain access to your social security account. You can see what you have paid into social

security, if you met the substantial earnings for each year, and if not, what you need to pay in the future to meet the requirements to meet the 30-year requirement if the

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**We are only a  
year out from the  
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Conference, which  
will be held in Las  
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August 14 through  
August 17.**

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legislation does not pass. Call, text or email me if you need additional information.

We are once again doing a fundraiser for our National FOP Foundation. At the

National Conference in Indianapolis, the Missouri State Lodge donated a custom-built cornhole game as a fundraiser. Ironically, Missouri won the game back but donated it back to the National FOP ... thanks again, Missouri. The boards are beautifully crafted, with the iconic FOP logos prominently displayed. For every \$500 donated to our 501c3 foundation, the contributor will receive a chance for the drawing, which will be held in December 2022. Please see additional details in the *FOP Journal*.

In closing, a special shout-out goes to past Oklahoma National Trustee John George. Brother John was overwhelmingly elected to serve the citizens of Oklahoma City on August 23 to the Oklahoma State House of Representatives, District 36. Representative George does not need to be "trained up" on the issues facing law enforcement and the community. That education has been learned from his 31 years of law enforcement service. I urge other sisters and brothers of the Order to follow Brother John's lead and run for public office.

Be safe, and I stand ready to help you in any way I can. **FOP**



# BLUE



# VIEW

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# There Is No More to Do — With Less



// **WRITE TO US!** If you have further questions, contact Keith Turney at [kturney@fop.org](mailto:kturney@fop.org).

By now, every member is aware of the crisis in policing surrounding recruitment and retention. It has been reported that from 2019 to 2020, retirements within law enforcement saw a 31% increase. In 2021, retirements were 23% higher than in 2019. In 2021, non-discipline resignations were over 40% higher as compared to the previous year. In 2020, the hiring of new recruits was down some 20% but may have rebounded in 2021. From what I am hearing, some agencies are down as much as 20% of their authorized strength. As has often been said, if we were to totally replenish our ranks today, the learning curve from rookie to seasoned veteran is a minimum of five years. And perhaps longer, as we have a leadership vacuum that will additionally hamper training opportunities.

The stark reality is that we will need to re-police under new paradigms. Before the decimation of our numbers, we were already doing more with less. There is no more to do — with less; its mathematically impossible. Community engagement is suffering, cold case units are being disassembled, traffic enforcement is being civilianized and automation is the taking place of human beings. From the perspective of someone like me with a labor background, these actions would have raised the ire of labor leaders and activists to defining tones back in the day. However, today's leaders are embracing these realignments. They have done the math; our ranks are so slim we are on basic life support. Let's get out there, protect who we can (including ourselves and our partners) and get home alive after working our third consecutive double shift. We are down to no-frills policing in many areas.

There is no immediate fix to our situation. We most certainly can dig ourselves out of this hole over time. However, we will need the proper support



to do so on many fronts. We will need a rebirth of admiration for policing by the public, or no one will step up. If we cross this hurdle, where are we going to find the resources to recruit and train? Our academies are suffering from the same

**We will need to embrace the changes we are faced with if we are to ever dig ourselves out of this foxhole.**

exodus that our agencies are suffering from. We will need to rethink our training regiments in new and perhaps unconventional ways. How will we retain those who step up? Again, we will need to rethink our current paramilitary structures, which are much too rigid for today's new employees. And, of course, pay and benefits will be paramount to retention,

something many governments are refusing to recognize. If we do all this, it will still be years before we are back to a point of simply doing more with less.

In the interim, we will need to embrace technology as never before. Enhanced 9-1-1 can better supply information to communication centers to better triage calls for service. Drones will most likely replace a rapid deployment response. Video detection will lend to automated enforcement of certain laws. Artificial intelligence and machine learning will incorporate many of our operations. And unfortunately, consolidation of police servicers is imminent as well. It's simple math. We can longer do more because there are less and less of us. There is simply no more to do — with less. As I've said before, it's not de-policing, it's re-policing. We will need to embrace the changes we are faced with if we are to ever dig ourselves out of this foxhole. It's a scary time in policing and, I suppose, an exciting time as well for the next generation of law enforcement personnel who we will rely upon to protect and serve us all.

As always, God bless you all, and God bless the FOP. **FOP**





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## MEMBER SPOTLIGHT

# Kate Petersen

JIMMY HOLDERFIELD / NATIONAL SECRETARY  
KATE PETERSEN / MINNESOTA STATE LODGE  
SECRETARY

This month's Member Spotlight is a native of Minnesota and has been a police officer for 16 years. What makes her especially unique is the fact that she is also a firefighter. She is admired by her fellow FOP members and her community. Her outstanding leadership skills and drive to be a servant to others is recognized by all. We are proud of our sister and appreciate all she does for the FOP.

Kate Petersen was born and raised in Minnesota. A law enforcement career was never a thought for a career path. She planned to earn an accounting degree when she met the then-chief of police of Pequot Lakes. His stories formed an interest in law enforcement for her, and she quickly changed her path. She was hired as a part-time officer with the Pequot Lakes Police Department in 2006, and in 2007, she was hired on full time. Her entire career has been with Pequot Lakes.

She has held numerous positions within her department. She has been the acting sergeant and acting chief. She has been assigned as the school resource officer numerous times. The students love having "KP" or "Officer Kate" at the school since she knows how to connect with students at all levels. She also was the coordinator for



the department's reserve officer program. She managed up to 10 reserve officers.

When the Minnesota Vikings were playing at the University of Minnesota, she worked as a part-time officer for Vikings games. She is also currently a part-time officer for the Crosslake Police Department.

In 2008, Kate decided to apply for the local fire department. She was hired as a firefighter and currently is the department's safety officer. Kate carries her fire gear in her squad car so she can



respond to fire calls from home.

Kate became an FOP member in 2010. She has held the vice president, president and secretary positions with Lakes Area Lodge #11. She has been the secretary of the lodge since 2017. Members appreciate the work she does as secretary. She is detail orientated and makes sure to connect with each active member during renewals, so their membership doesn't lapse.

While holding these board positions, she has assisted with implementing an annual scholarship for members or their family members. In 2014, she jumped at the chance to assist with the Special Olympics Minnesota Polar Plunge. She works side by side with a retired trooper on setting up, running and tearing down the event every year. The only year she got out of jumping into the frozen lake was when she was pregnant! She has also helped bring back the Special Olympics Torch Run to the area. She coordinates with northern law enforcement agencies by passing the torch and running or biking the torch to the next agency.



Continued on page 22 >





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## MEMBER SPOTLIGHT

Continued from page 20 >

The Special Olympics is near and dear to her heart. Not only does she help the athletes by raising money, but she also spent a lot of time with the special education students while she was the school resource officer. She would participate in their gym class or play games in the classroom. All the students enjoyed having her in their classes.

In 2020, Kate received the Lakes Area Lodge #11 Member of the Year award. The award recognizes members for their service and dedication to their community, along with the FOP. In 2019, Kate was encouraged to run for the Minnesota state secretary position. She felt all her experience with her local lodge made her ready. She enjoys helping lodges within the state when they run into issues. She's a fixer!

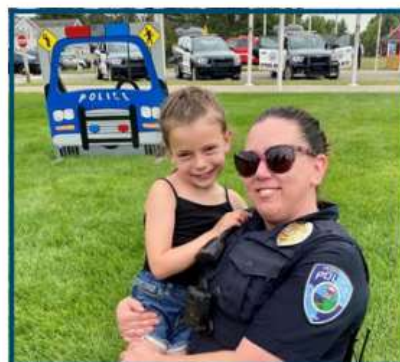
Her future plan is to create a smoother renewal process. The current process works, but she has identified areas of improvement, like creating a state ACH payment option. She wants every lodge to know they have someone to help them. She does this by building a rapport with each lodge when changes occur among its board members.

Secretary Petersen told us, "The FOP is important because we work hard to be heard. We stand our ground for what is right. We work tirelessly to improve the jobs of officers through legislation and community involvement. The biggest thing, though, is the fraternalism. There is no better feeling when we all are together working to help each other."

Kate was blessed with her daughter, Lauren, in 2017. She was fortunate to work right up to her due date since she was working as the school resource officer at the time. Lauren is beyond proud that her mama is a police officer and firefighter. Lauren knows her mom is part of the FOP and that she helps her fellow brothers and sisters when they need help.

Kate really saw the support of the FOP after she was diagnosed with celiac disease and had back surgery in 2021. The FOP always checked in with her and supported her financially when she had to make extended visits to the Mayo Clinic.

We asked Sister Kate to share her secret to success. She responded, "My secret to success is simple — confidence and hard work. First, you must have self-confidence in what you are doing.



That spills over to having confidence in the tasks you do. I always remember the feeling of fear when I jumped into the vice president position. I had no idea what I was doing. I worked hard to learn more about the FOP. Now, I am completely confident in the positions I hold. What keeps me stay motivated is knowing I am helping the FOP be better doing what I do. I would tell FOP members to remember what we are here to do in the first place. We are a family that needs to support each other, and there is no better way to do that than getting more involved." **FOP**

# There Is ALWAYS Another Option

## FOP Vetted and Approved Crisis Hotlines



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



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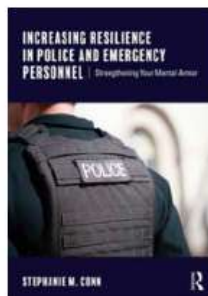
# | WELLNESS |

## Being a Student of Wellness – Not Just for Kids!

SHERRI MARTIN / DIRECTOR OF WELLNESS

**S**eptember is the month for heading back to school! As we wind down the last days of summer and head into a new season, we see our kids off to school and get back to our workday routines. But why not head “back to school” ourselves? The members of the National Officer Wellness Committee continue to be students of wellness, and this month, we would like to share some of what we have learned in our continuous quest to provide the best services to the members of the FOP.

“Wellness” is a hot topic right now. Everywhere you look, on billboards and television commercials, people are talking about wellness. While we encourage keeping an open mind and exploring a range of wellness ideas and solutions, we want to highlight some specific to law enforcement. Here are some great reads we have found.

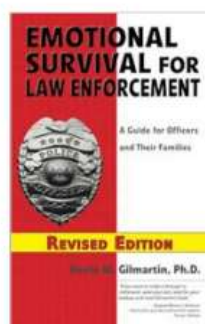


### **Increasing Resilience in Police and Emergency Personnel: Strengthening Your Mental Armor**

by Dr. Stephanie M. Conn

*Increasing Resilience in Police and Emergency Personnel* illuminates the psychological, emotional, behavioral and spiritual impact of police work on police officers, administrators, emergency communicators and their families. Author Dr. Stephanie

Conn, a clinician and researcher as well as a former police officer and dispatcher, debunks myths about weakness and offers practical strategies in plain language for police employees and their families struggling with traumatic stress and burnout. Sections of each chapter also offer guidance for frequently overlooked roles such as police administrators and civilian police employees. Using real-world anecdotes and exercises, this book provides strengths-based guidance to help navigate the many complex and sometimes difficult effects of police and emergency work.

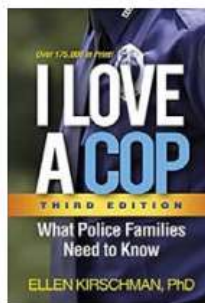


### **Emotional Survival for Law Enforcement: A Guide for Officers and Their Families**

by Kevin M. Gilmartin

This book addresses the dynamics that can transform within a matter of a few years, idealistic and committed law enforcement officers/employees into cynical, angry individuals who begin having difficulties in both the personal and professional aspects of their lives. It points out how law enforcement

personnel develop a social perceptual set that can potentially see employees engaging in inappropriate behavior patterns and decision-making that leads to both administrative and can, unfortunately, in some personnel, lead to criminal difficulties. The basic theme and goal of the book are to provide information that lets the officer/employee see how the deterioration process can take place and what specific preventative strategies can be employed to reduce the negative emotional impact of a law enforcement career. The book was written with the goal of providing information that assists law enforcement personnel in remaining committed and engaged in productive law enforcement.



### **I Love a Cop, Third Edition: What Police Families Need to Know**

by Ellen Kirschman

Police families are brave, resilient and proud — and they face remarkable challenges, sometimes on a daily basis. Now thoroughly updated for today's turbulent times, this is the resource that cops and their loved ones have relied on for decades.

Trusted expert Ellen Kirschman gives you practical ways to manage the stress of the job and create a healthy, supportive home environment. The third edition features the latest information, new stories from police families, two new

Continued on page 26 ➤





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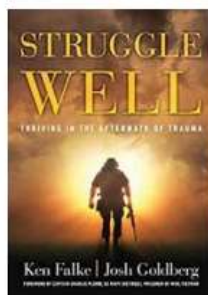


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## WELLNESS

Continued from page 24 >

chapters and fully updated resources. Dr. Kirschman acknowledges the tough realities of life on the force and offers frank, realistic suggestions for handling everyday relationship dilemmas, as well as serious issues like trauma, domestic violence and alcohol abuse. Whether you read this book cover to cover or reach for it when problems arise, you will find no-nonsense guidance to help your family thrive.



### **Struggle Well: Thriving in the Aftermath of Trauma**

by Ken Falke and Josh Goldberg

Your struggle may come in different forms and be given one of many different names, such as anxiety, depression, addiction and/or PTSD. No matter how much you or a loved one is struggling or what it is called, one thing is almost certainly clear:

You aren't living the life you desire or deserve. Still, there is hope. By embracing the struggle rather than fighting it, you can stop surviving and start thriving. Ken Falke and Josh Goldberg train combat veterans battling PTSD to understand and achieve post-traumatic growth (PTG). PTG helps you discover opportunities from times of struggle, and this book provides actionable strategies for making peace with past experiences, living in the present and planning for a great future. Through Ken and Josh's work, thousands have transformed struggle into profound strength and lifelong growth. Now it is your turn. It's time to learn to struggle well.

If time seems too short to settle into a book and you are looking for some quicker tidbits of wellness wisdom instead, check out past editions of the *FOP Journal*. Each month we highlight a different topic in wellness, sharing strategies, discussing providers or presenting research gathered on various wellness topics. Another great idea is to just do a simple online search of a wellness topic that may be new to you or about which you may have heard. You never know what might work for you and your family and become a permanent part of your wellness routine. We know members who have picked up a new wellness habit well into retirement!

Here are a few things to learn more about if curiosity strikes:

- **Yoga.** Our National secretary gave it a try at our last Officer Wellness Summit! There are many different kinds of yoga at various levels of difficulty, so there really is something for everyone.
- **Mindfulness.** Defined as the basic human ability to be fully present, aware of where we are and what we're doing while not being overly reactive or overwhelmed by what's going on around us, true mindfulness may be more difficult than it sounds! However, mindfulness practices can be learned and can truly enhance well-being.
- **Meditation.** Many visualize meditation as sitting on the floor with legs crossed and eyes closed while chanting quietly. While this may be how meditation looks for some, it involves so much more, and has proven benefits for those who engage in the practice.

However you dig deeper into wellness, the key is to never stop learning! Learning new things not only keeps our minds engaged, but also provides opportunities for connections to others, getting to know ourselves better and living well!

*Book synopses found on Amazon.com. FOP*

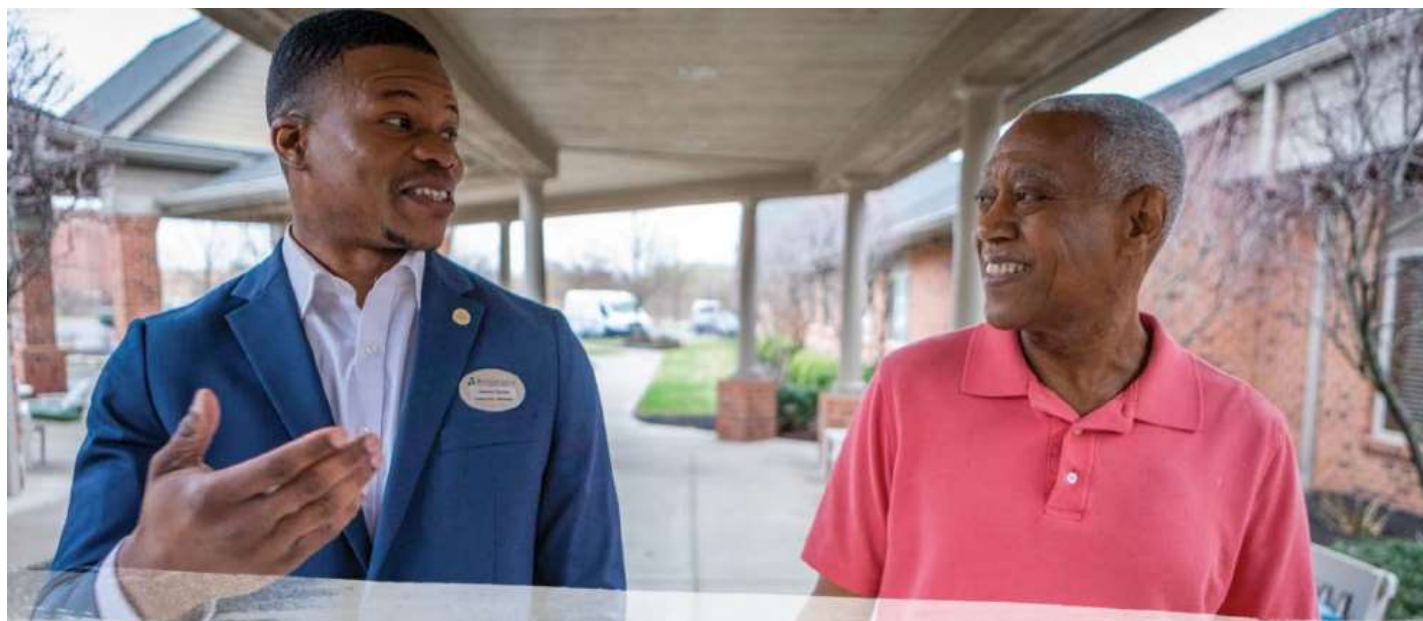
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As a member of the Fraternal Order of Police, you and qualifying family members may be eligible for senior living discounts that can help you get the care you deserve. You could experience a senior living lifestyle with restaurant-style dining, housekeeping, laundry, concierge services and more, with special savings available for Fraternal Order of Police members.



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\*Discount is only applicable to new residents of a Brookdale independent living, assisted living, or memory care community admitting under an executed residency agreement. Discount applies only to the monthly fee/basic service rate, excluding care costs and other fees and is calculated based on the initial monthly fee/basic service rate.

\*\*Discount is only applicable to new clients of personal assistance services by a Brookdale agency under an executed service agreement.

\*\*\*Discount is only applicable to new residents of a Brookdale assisted living or memory care community admitting under an executed respite agreement. Discount applies to the daily rate.

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# LEARN MORE ABOUT MEDICARE

**T**he Fraternal Order of Police (FOP) understands that Medicare can be confusing, so we're here to help. We've included some frequently asked questions below.

## **When do I become eligible for Medicare?**

You become eligible for Medicare when you turn 65 or earlier because of certain health conditions.

## **How do I enroll in Medicare?**

You can enroll online at [SSA.gov](https://ssa.gov). You can call **(800) MEDICARE**, TTY: **(877) 486-2048**, 24 hours a day/ seven days a week if you have questions.

## **When can I sign up for Medicare?**

You can sign up for Medicare during the three months before your 65th birthday month. The window to enroll in Medicare closes three months after your birth month. If you enroll after that, you may face a late enrollment penalty. For example, if you turn 65 in May, you can sign up for Medicare starting in February and ending in August. We recommend signing up for Medicare as early as you can to ensure you don't have any gaps in coverage.

## **I'm turning 65 soon. When do I sign up for a Medicare insurance plan?**

You can sign up for a Medicare insurance plan as soon as you have enrolled in Original Medicare and receive your Medicare beneficiary number. Your insurance coverage will start the first day of your birth month. For example, if you turn 65 on May 15, your plan coverage would start May 1.

## **What do the different parts of Medicare mean?**

Part A covers hospital care, Part B covers doctor services, Part C refers to Medicare Advantage plans and Part D covers prescription drugs.

## **What do Medicare Advantage plans cover?**

These plans (called Part C) are offered through private insurers, and they combine everything covered under Part A and Part B, and sometimes Part D, into one plan. Plus, these



plans often include additional benefits and programs not covered under Original Medicare.

## **Do I have to enroll in Part B and pay a Part B premium?**

Yes, if you want to have services such as primary care visits and lab tests covered. To be eligible for a Medicare Advantage plan, you have to enroll in Medicare Part A and Part B and pay your Part B monthly premiums.

## **Where can I learn more about Medicare?**

For more information, go to [FOPAetnaMedicare.com/turning-65](https://FOPAetnaMedicare.com/turning-65). We have helpful videos about enrolling in Medicare and the plan options available to you through the FOP. Or visit [Medicare.gov](https://Medicare.gov) for general Medicare information.

## **I've heard that the FOP may have a health insurance plan. Can you tell me more?**

The FOP is offering four group Aetna Medicare Advantage PPO plans to Medicare-eligible retired FOP police officers and their spouses. These custom plans are for people who purchase their own insurance and don't have a bargained benefit through their former employer or lodge.





For those with bargained benefits, we're working with some groups across the country to see if we can add these plans to their offerings. Check with your former employer or lodge to see if an Aetna plan might be an option for you.

#### **What is unique about group PPO plans?**

Group preferred provider organization (PPO) plans allow you more freedom than an HMO plan, so you can use the doctors and hospitals you want. The four FOP Aetna Medicare Advantage PPO plan options we're offering allow you to see any licensed provider who participates with Medicare and is willing to accept your Aetna plan. Aetna has a large, nationwide network of providers, but you'll pay the same cost whether your doctor is in or out of network.

#### **Do the FOP plans offer more benefits than Original Medicare?**

Yes, the FOP Aetna plans include extra benefits and programs not offered by Original Medicare, such as vision and hearing aid reimbursements, the SilverSneakers fitness program, virtual behavioral health care, a referral service to help you find local resources, a 24-hour nurse line and other care and wellness programs to help keep you healthy.

#### **Can I go back to Original Medicare if I don't like my FOP Aetna Medicare Advantage plan?**

Yes, you can disenroll anytime from your group Aetna Medicare Advantage PPO plan. You will still maintain your eligibility for Original Medicare and can go back to it at any time. Keep in mind that any cost-share amounts you pay with Aetna, such as deductibles or co-payments, will not carry over.

#### **When can I sign up for an FOP Aetna plan?**

If you're already on a Medicare plan, you can enroll in the

fall during open enrollment. If you're just becoming eligible for Medicare, you can sign up for an FOP Aetna Medicare Advantage plan throughout the year. Just be sure you've already enrolled in Medicare Part A and Part B.

#### **Can I switch between the different FOP Aetna plans in the future?**

Yes. Depending on how your health needs change, you can choose a different FOP Aetna plan during a future fall open enrollment time.

#### **Where can I go for more information about my health plan options?**

For more information or to enroll in an Aetna Medicare Advantage plan, go to **FOP.AetnaMedicare.com** or call Aetna at **(866) 246-8060**, TTY: 711, Monday–Friday, 8 a.m.–6 p.m. ET. **FOP**

**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*.



# FOP VETTED AND APPROVED WELLNESS PROVIDERS AND PROGRAMS

## Wellness Facilities

### Chateau Recovery

Midway, UT

[chateaurecovery.com/programs/first-responders](https://chateaurecovery.com/programs/first-responders)

### FHE Health: Shatterproof Program

Deerfield Beach, FL

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

### First Responder Wellness by Simple Recovery

Costa Mesa, CA

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

### Harbor of Grace First Responder Program

Havre de Grace, MD

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

### Transformations Treatment Center: Help for Our Heroes Program

Delray Beach, FL

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

### Warrior's Heart

Bandera, TX

[warriorsheart.com](https://warriorsheart.com)

## Wellness Products

### CordicoShield

[cordico.com/shield](https://cordico.com/shield)

### TIAG mResilience

[tiag.net/innovations/mresilience](https://tiag.net/innovations/mresilience)

### Lighthouse Health & Wellness

[lighthousehw.org](https://lighthousehw.org)

## Wellness Training Programs

### HEART 9/11 SMART Program

[heart911.org/programs/smart-program](https://heart911.org/programs/smart-program)

### Warrior PATH

[bouldercrest.org/warrior-pathh](https://bouldercrest.org/warrior-pathh)





# NATIONAL FRATERNAL ORDER OF POLICE

## Donate to the NFOP Foundation for a Chance to Win a Custom Made Cornhole Game



**Any individual or lodge donating \$500.00 or more will be given a ticket for a chance to win this beautiful custom-made cornhole game, courtesy of the Missouri State Lodge. A ticket will be given for every \$500.00 increment of your donation, i.e. \$5,000.00 will receive 10 tickets.**

**The drawing will be held December 9th, in time for Christmas. The winner will be responsible for shipping from the National Secretary's Office in Nashville.**

**To donate, please mail a check made out to the NFOP Foundation to 701 Marriott Drive, Nashville, TN 37214. In the memo line indicate disaster relief.**

**Mike Essig, Foundation Committee Chair**

**Jimmy Holderfield, National Secretary**





## CITY OF REHOBOTH BEACH POLICE DEPARTMENT



229 Rehoboth Avenue  
Rehoboth Beach, DE 19971

### Celebrating 50 Years of Our Seasonal Officers Program

This year marks the 50th anniversary of Rehoboth's Seasonal Police Officer program.

To celebrate, the Rehoboth Police Department will host a reunion from 5–10 p.m. on October 22 at the Rehoboth Beach Convention Center.

The \$30/person cost covers heavy hors d'oeuvres and live music; a cash bar will be available.

Don't miss this fun event celebrating 50 years of launching careers.

The event is open to all current and past employees of the Rehoboth Beach Police Department.

Tickets are limited. Register today using the link below; email completed forms to **marion.jones@cj.state.de.us**.

Questions? Contact Marion Jones at **marion.jones@cj.state.de.us** or at (302) 227-2577.

[www.cityofrehoboth.com/police](http://www.cityofrehoboth.com/police)



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# University of Maryland Global Campus

BY GIL KLEIN

### A College Degree Can Be a "Ticket" to Advancement for Police Officers

**N**ew police officers graduating from the academy may think they are set for life. Most departments do not require a college education, and given the trouble with recruiting officers, job seekers without a degree are finding doors open to them. They could work 20 years and then retire.

But people who follow police work say that would be shortsighted. To get ahead in a police career, at least a bachelor's degree and, often, a graduate degree are needed. At the same time, officers coming up on retirement — usually young enough to seek a second career — may find that their policing skills mean little in the private sector if they don't also have a college degree.

In other words, police officers should view their careers as a continuum of education, and the sooner they get started, the better because balancing work, family obligations and schooling only get more difficult. Online higher education, like the degree programs offered at the University of Maryland Global Campus (UMGC) and other online institutions of higher education, provides the flexibility that enables police officers to get on the path to the promotions they desire.

"Every time you go up for a promotional board, you might get five points if you have a bachelor's degree that someone without a degree doesn't get," said Christopher Swain, who enrolled at UMGC after 27 years with the Harford County (Maryland) Sheriff's Office. "Some agencies say if you want to attain a certain rank, you must have a degree."

## UNIVERSITY OF MARYLAND University College

STATE UNIVERSITY  
GLOBAL CAMPUS

Pat Bradley started on foot patrol with the Baltimore Police Department in 1970 and rose to direct the city's police academy before earning a law degree and joining UMGC's faculty. He said he moved quickly through the ranks because he joined the department after graduating from college.

"You look at the promotional list, and you see everyone on it has a degree. But you may only have a few credits for one if any. It's going to take you a couple of years to catch up, and, in the meantime, the people who already had the degree are getting further ahead," Bradley said. "So, go early and go often, as they say."

Any officer looking to make the jump to the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, or other federal law enforcement agencies will need a bachelor's degree, he added.

Others recommend peppering a study program with some courses not directly related to police work. For example, the social sciences, such as psychology and sociology, can be useful in understanding how police officers deal with the public.

"Psychology gave me a phenomenal foundation for what police work entails once you're actually interacting with the public," said Justin Baumgartner, Ph.D., who started his career in Colorado, worked his way up the ranks, and now teaches in UMGC's public safety administration program. "Not everyone sees a situation the same way you do. When police are involved, it's usually a

crisis situation. So, how do you adapt to those circumstances to decrease fear, increase partnerships and get through these situations as a team?"

Undergraduate classes can help other aspects of police work, Bradley said.

"People who have studied sociology have a better appreciation of the social dynamics of a community, and they are better at courtroom testimony," he said. "Since many officers find themselves addressing community groups, a class in speech and communication is helpful. They are better at criminal investigation if they have taken deductive reasoning."

Many departments understand that more education makes for a better officer, and the best way to encourage it is to offer tuition reimbursement. "Just because a department doesn't require a degree doesn't mean they don't want you to have one," Swain said. "They might say, 'Come to us and let the agency pay for it.'"

Potential recruits without bachelor's degrees can also check to see if their states or localities have agreements with community colleges. These partnerships may allow work completed at a police academy to count toward college credits, giving a new recruit a leg up on the road to a degree. Meanwhile, some fully online programs, such as those at UMGC, offer credits for academy work — or military training courses — taken anywhere in the country.

"Wherever you go across the country,

*Continued on page 36 >*



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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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## NFOPU SPOTLIGHT

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UMGC will be there for you," Bradley said. "We can go anywhere you go."

Online study programs offer classwork with a flexible schedule, enabling an officer to do academic work while sitting in a police car during a break.

"The same systems that allow an officer to do a record check in their patrol car will allow an officer to call out of service and attend to their academic studies," Bradley said.

A bachelor's degree can make a big difference in a law enforcement career. But should it be the end goal? Not for those who want a full roster of career options available, according to the experts.

"Getting a master's degree is like the difference between being a mason and being a structural engineer," Bradley said. Both of those professionals can build a wall, but only one can design it.

"When you are moving into that administrative role and making decisions that aren't skill based but are intellect based, a master's degree becomes requisite," Bradley said. "It provides a deeper understanding of the multiple issues that impact a certain situation."

Bradley used the example of Baltimore's so-called squeegee kids, the young people who wait at traffic intersections to clean windshields for money. There have been aggressive, even violent, interactions between the squeegee kids and motorists. Bradley said an officer might see a crime happening and arrest the perpetrator, but a higher-level administrator will want to look at all of the issues surrounding kids' need to ask for money to clean windshields.

Even with a bachelor's degree or an advanced degree, officers approaching retirement need to be mindful that police skills may not translate in the private sector. Other competencies might be needed.

"When a hiring executive asks about your background, and you say you made 141 felony arrests and testified before a grand jury and cleared four homicides, the hiring executive will look across the table and say, 'We don't do a lot of that here,'" Bradley said.

He said academic achievement demonstrates that job candidates have knowledge that goes beyond their careers in policing. **FOP**



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# Top Priority Update: Social Security Fairness Act Back on Track



There were a lot of developments on H.R. 82/S. 1302, the Social Security Fairness Act, in the final week of July. The House voted to pass H. Res. 1289, a short and routine administrative resolution governing debate on a legislative branch appropriations measure. This also changed existing House rules with respect to how bills with more than 290 co-sponsors are to be considered and eliminated many of the legislative days we needed to meet the 25-day requirement for H.R. 82.

Fortunately, our friends in the House leadership realized the impact the change would have made to our bill and told its sponsors, Representatives Rodney L. Davis (R-III.) and Abigail A. Spanberger (D-Va.), that they would work on the issue directly.



Rodney L. Davis (R-III.)

The very next day, the House adopted a new rule that effectively reversed the previous change made by H. Res. 1289. Unless the Committee on Ways and Means votes H.R. 82 out of committee, the Social Security Fairness Act is back on track for a floor vote sometime in September.



Abigail A. Spanberger (D-Va.)

It is very important, however, that your senators and representatives hear from you about H.R. 82 and S. 1302. We are already working to lay the groundwork for consideration in the Senate — we have 40 co-sponsors but need to get to 60 if we are to get to a vote. Keep calling and writing and ask them to co-sponsor the Social Security Fairness Act.

## Just the Facts:

» The House voted to pass H. Res. 1289, a routine administrative resolution governing debate on a legislative branch appropriations measure. This also changed existing House rules with respect to how bills with more than 290 co-sponsors are to be considered and eliminated many of the legislative days we needed to meet the 25-day requirement for H.R. 82. Fortunately, our friends in the House leadership realized the impact the change would have made to our bill and told its sponsors, Representatives Rodney L. Davis (R-III.) and Abigail A. Spanberger (D-Va.), that they would work on the issue directly. The next day, the House adopted a new rule that reversed the previous change made by H. Res. 1289.

All the information about H.R. 82/S. 1302 is available on the FOP website. Our members should also visit the FOP's online Action Center: [votervoice.net/FOP/home](http://votervoice.net/FOP/home) and [votervoice.net/FOP/Campaigns/80564/Respond](http://votervoice.net/FOP/Campaigns/80564/Respond).

## Bill on Service-Connected Suicides Signed Into Law

Our members know how much work the FOP has done in Washington, D.C., with federal policymakers to improve the availability of mental health and wellness services to law enforcement officers at every level of government. The FOP led the effort to pass the Law Enforcement Mental Health and Wellness Act in 2018, the Supporting and Treating Officers in Crisis (STOIC) Act in 2019, the Law Enforcement Suicide Data Collection Act in 2020, and the Confidentiality Opportunities for Peer Support (COPS) Counseling Act just this past November. These laws recognize that the men and women who serve in law enforcement are subjected to incredible stress, which can lead to acute stress disorder, PTSD and suicide. These mental health issues are, in virtually every case, connected to their service as law enforcement officers. The U.S. armed forces recognize the vast majority of suicides as

line-of-duty deaths because they understand the "invisible injuries" to the mind and spirit that are inflicted as a result of their service.

The FOP believed it was time for the Public Safety Officers' Benefits (PSOB) program to extend similar recognition to law enforcement and other public safety officers, so H.R. 6943/S. 3635, the Public Safety Officers Support Act, was developed. This legislation acknowledges the connection between suicide and service-connected mental health issues and amends the PSOB program by providing death and disability benefits to officers who attempt to take or do take their own life. The Senate passed H.R. 6943, and the president signed it into law in mid-August.

The bill provides a presumption that any officer who is diagnosed with or seeks help for acute stress disorder, post-traumatic stress disorder (PTSD) or another similar mental health condition who commits or attempts to commit suicide is presumed to "constitute personal injury," as defined in the PSOB program. The bill also recognizes the cumulative and corrosive effects of the mental stress suffered by law enforcement and other public safety officers and applies the same presumption

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## Top Priorities in Brief

### **H.R. 82/S. 1302, the Social Security Fairness Act**

**House:** 295 co-sponsors (207 D, 88 R)

**Senate:** 40 co-sponsors (34 D, 4 R, 2 I)

Urge Congress to pass it:

<http://tinyurl.com/yc84zf3m>

### **H.R. 962/S. 1888, the Law Enforcement Officers' Equity Act**

**House:** 103 co-sponsors (78 D, 25 R)

**Senate:** 4 co-sponsors (3 D, 1 R)

Urge Congress to pass it:

<http://tinyurl.com/37afz34h>

### **H.R. 3225, the Public Safety Employer-Employee Cooperation Act**

**House:** 32 co-sponsors (22 D, 10 R)

Urge Congress to pass it:

<http://tinyurl.com/5h6mtmvt>

### **H.R. 1210/S. 1610, the LEOSA Reform Act**

**House:** 59 co-sponsors (1 D, 58 R)

**Senate:** 2 co-sponsors (2 R)

Urge Congress to pass it:

<http://tinyurl.com/5e4m94rj>

### **H.R. 3079/S. 774, the Protect and Serve Act**

**House:** 87 co-sponsors (7 D, 80 R)

**Senate:** 23 co-sponsors (23 R)

Urge Congress to pass it:

<http://tinyurl.com/mvursja>

To see a full list of legislation supported by the FOP, please visit [tinyurl.com/ycy5k5rv](http://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](http://votervoice.net/FOP/home).

## WASHINGTON REPORT

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to any public safety officer who responds or responded to a mass casualty, mass death or mass shooting event.

Long-term exposure to mental stress and traumatic events throughout their service can inflict "invisible injuries" on the men and women in law enforcement, injuries that may be left untreated and have a fatal outcome. These disorders can be just as disabling as a physical injury, and an officer who suffers from PTSD or a similar disorder that may result in suicide is just as service-connected as any other line-of-duty death. This bill shows compassion and support for our officers and their families and provides another step toward building support for officers facing mental wellness crises.

### **Senate Clears Six FOP-Supported Bills**

In addition to passing H.R. 6943 by unanimous consent, the Senate also passed H.R. 2992, the TBI and PTSD Law Enforcement Training Act. This bill will require the Bureau of Justice Assistance (BJA) to establish crisis intervention training tools for law enforcement officers to address individuals with traumatic brain injuries, acquired brain injuries and post-traumatic stress disorder. This bill has also been signed into law.

The Senate also passed these four bills, all of which have been transmitted to the House for further action:

- **S. 2151, the Strong Communities Act.** Would help build on the community-policing model by establishing a grant program for local law enforcement agencies to assist in recruiting officers in their own communities.
- **S. 3860, the Invest to Protect Act.** Would establish a grant program, administered by the Community Oriented Policing Services (COPS) Office within the U.S. Department of Justice (DOJ), that would be used for the training of officers from police departments and municipalities that employ less than 200 law enforcement officers.
- **S. 4003, the Law Enforcement De-escalation Training Act.** Would provide \$70 million in annual grant funding from the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) to state and local

law enforcement agencies to train officers in de-escalation tactics and alternatives to the use of force.

- **S. 4007, the Fighting Post-Traumatic Stress Disorder Act of 2022.** Would direct the U.S. Department of Justice to develop a state-of-the-art treatment program for public safety officers experiencing acute stress disorder or post-traumatic stress disorder (PTSD).

We have been in regular communication with House leadership staff, as well as Judiciary Committee staff, to see a path forward on these measures.

### **Senate Committee Passes Fair RETIRE Act**

At the urging of the FOP, the Senate Committee on Homeland Security and Governmental Affairs considered and unanimously passed S. 129, the First Responder Fair Return for Employees on Their Initial Retirement Earned (RETIRE) Act. The House passed its companion measure, H.R. 521, earlier this summer on a 417-0 vote.

The Fair RETIRE Act will allow federal law enforcement officers, who were severely injured in the line of duty, to maintain their 6(c) early retirement if they take a civil service position after their injury. We are working with our allies in the Senate to get a floor vote on H.R. 521, which would send the bill to the president to be signed into law.

### **FOP Submits Testimony to Senate Hearing on Violence Against Police**

The Senate Committee on the Judiciary held a hearing entitled *Law Enforcement Officer Safety: Protecting Those Who Protect and Serve*. The FOP submitted written testimony sharing our extensive data on officers shot in the line of duty and ambush attacks on law enforcement officers. The FOP called on Congress to act and pass the "Protect and Serve Act." You can read that testimony here: [tinyurl.com/4hcvd3rf](http://tinyurl.com/4hcvd3rf).

As our members know, the FOP has been documenting the increased number of attacks against law enforcement since 2015. The erosion of respect for law enforcement coupled with public figures spewing anti-police rhetoric that is amplified by social media platforms has fueled greater aggression toward police officers than what has been seen in previous years — undoubtedly emboldening people to turn verbal assaults

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## WASHINGTON REPORT

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into brazen acts of violence against law enforcement. Anti-police rhetoric led to the mass murders of law enforcement officers in Dallas, Baton Rouge and countless other instances in which an individual was motivated solely by a desire to injure or kill a cop.

Despite the data showing this alarming trend, Congress has not acted. The Protect and Serve Act was drafted specifically to address targeted violence against police, and, in 2018, the bill passed the House overwhelmingly.

Congress has introduced similar legislation protecting journalists and election officials because of escalating rhetoric and incitements to violence — incitements that perhaps contributed to the mass murder of journalists in Annapolis in 2018. The Justice Department has a federal task force to protect election officials from potential violence, but the administration and Congress have done nothing.

Enough is enough! Congress needs to pass the Protect and Serve Act to better protect our men and women in law enforcement.

### Get Engaged and Stay Engaged!

We encourage all FOP members to regularly check out our social media pages, as the daily posts inform not only our members on the current issues facing law enforcement but the general public as well. With our social media outreach, we hope to better educate them on the current state of affairs for the brave men and women who suit up and show up every day to serve and protect. We ask every lodge, member and citizen who supports law enforcement officers to follow the National FOP on:

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

**Do your part!** We need your help — please **share, comment and like** the content that we are posting.

Finally, the **National FOP's Weekly Update** is a valuable tool for members and local lodges to keep them informed on the legislation important to law enforcement and a great way to stay updated on what the National FOP is doing for you in Washington. If you have not yet done so, please be sure to sign up for the National FOP's *Washington Watch: Legislative*

*Update*. This one-of-a-kind weekly update is sent out every Friday via email, posted in the NFOP mobile app and shared on our social media platforms. To sign up to receive the update via email, please visit [tinyurl.com/6zrsns8a](https://tinyurl.com/6zrsns8a).

### Tune in to the Blue View Podcast!

The FOP's weekly podcast, entitled the *Blue View*, is always available on the FOP's YouTube channel. National President Patrick Yoes hosts the podcast, which has featured guests from Capitol Hill, from within the FOP, and law enforcement experts and leaders from around the country to gain better insight into the issues and current events in the law enforcement community. Be sure to check it out!

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

### 2022 Model Questionnaire Is Now Available!

The GMAC staff developed a model questionnaire ([tinyurl.com/yp5eebrm](https://tinyurl.com/yp5eebrm)) to assist state and local lodges in evaluating federal candidates for the United States Congress in the 2022 election cycle. The questions draw from issues being actively lobbied by the National FOP in Washington, D.C., and include all our top legislative priorities.

It is particularly important for the state and local lodges to endorse candidates who support our top priority items and to publicly oppose those candidates who do not. The success of the National Legislative Program depends on having an active grassroots base and on electing lawmakers who support our pro-law enforcement agenda.

### The PAC Needs Your Support!

The FOP's Government and Media Affairs Center is the most reliable, effective and impactful law enforcement advocacy operation in Washington, D.C. When Congress or an administration, regardless of party, is looking to engage meaningfully on criminal justice or law enforcement issues, they seek out the FOP as a partner. We are known and trusted to fight for the interests of our members, which makes the FOP a vital ally on policing and criminal justice issues.

With midterm elections less than three months away, the National

Fraternal Order of Police Political Action Committee (NFOP PAC) will play an important role in our advocacy program. By supporting candidates who support our members and our profession, we are effectively representing our members on Capitol Hill. Given the importance of the PAC, it is vital that the PAC is as well funded as possible. Our PAC is very much depleted from the previous election cycle, and we really need our members to step up and contribute to ensure that the next Congress will continue to have members who will fight for them. One lodge, in particular, the Long Beach Police Officers Association, raises over \$1,000 per month for the PAC. And this is just one lodge! If lodges nationwide were to follow their lead, the NFOP PAC would have the resources it needs to make a nationwide impact.

**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 can accept one-time donations, but we encourage members to sign up for recurring, monthly contributions using their credit card. This is the most effective and reliable way to contribute.

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 \$364,000! If 10% of our members gave just \$5 this year, we would raise \$182,000 for the next election cycle. We can and need to do better raising funds for our PAC!

To donate online, please visit [nfop-pac.firstresponderprocessing.com](https://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 our recurring monthly credit card donations, please contact the Government and Media Affairs 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**



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# “Favorable Termination” Defined by *Thompson v. Clark*

Under 42 U.S.C. §1983, law enforcement officers can be sued by individuals for certain civil rights violations, including police misconduct. Causes of action under §1983 include, among others, malicious prosecution and false arrest. For such claims, a plaintiff must show that the outcome of the underlying prosecution resulted in a favorable termination.

On April 4, 2022, the Supreme Court of the United States clarified the meaning of the “favorable termination” requirement. In the opinion written by Justice Brett Kavanaugh, the Supreme Court held that a criminal proceeding terminates in favor of the accused when it ends without a conviction. Specifically, the Supreme Court held that a “Fourth Amendment claim under §1983 for malicious prosecution **does not** require the plaintiff to show that the criminal prosecution ended with some affirmative indication of innocence.” Therefore, the Supreme Court reversed the judgment of the U.S. Court of Appeals for the Second Circuit and remanded it for further proceedings.

In *Thompson v. Clark*, police officers and EMTs arrived at Plaintiff Larry Thompson’s apartment after allegations of child abuse. Thompson tried to deny the officers entry because they did not have a warrant. The officers nevertheless entered and handcuffed Thompson. The EMTs took the child to the hospital, where medical professionals examined her and found no signs of abuse. Meanwhile, Thompson was arrested and charged with obstructing governmental administration and resisting arrest. On the prosecution’s motion, the district court dismissed the charges “in the interest of justice,” without indicating a reason or relating it to Thompson’s innocence. Subsequently, Thompson sued under section 42 U.S.C. §1983, alleging several constitutional violations, including a Fourth Amendment violation for malicious prosecution.

## Just the Facts:

» In *Thompson v. Clark*, police officers and EMTs arrived at Plaintiff Larry Thompson’s apartment after allegations of child abuse. Thompson tried to deny the officers entry because they did not have a warrant. Medical professionals examined the child and found no signs of abuse. However, Thompson was arrested and charged with obstructing governmental administration and resisting arrest. Thompson sued under section 42 U.S.C. §1983, alleging several constitutional violations, including a Fourth Amendment violation for malicious prosecution. In the opinion written by Justice Brett Kavanaugh, the Supreme Court held that a criminal proceeding terminates in favor of the accused when it ends without a conviction.

As mentioned above, in order to maintain a Fourth Amendment claim under §1983 for malicious prosecution, one element a plaintiff must demonstrate is that he or she obtained a favorable termination of the underlying criminal prosecution.

**Therefore, the Supreme Court held that a plaintiff need only show that the criminal prosecution ended without a conviction.**

The Supreme Court noted three purposes for the favorable termination requirement: (1) it avoids parallel litigation in civil and criminal proceedings over the issues of probable cause and guilt; (2) it precludes inconsistent civil and criminal judgments where a claimant could succeed in the tort

action after having been convicted in the criminal case; and (3) it prevents civil suits from being improperly used as collateral attacks on criminal judgments.

Precedent in the Second Circuit required Thompson to show that his criminal prosecution ended not merely without a conviction, but also with some affirmative indication of his innocence (see *Lanning v. Glens Falls*, 908 F. 3d 19, 22 [2d Cir. 2018]). Bound by *Lanning*, the district court held that Thompson’s criminal case did not end with any affirmative indication of his innocence because Thompson could not offer any substantial evidence to explain **why** his case was dismissed. The district court simply dismissed the charges against him “in the interest of justice.” On Thompson’s appeal, the Second Circuit affirmed the district court’s dismissal.

Prior to this Supreme Court decision, there was a circuit split on the definition of favorable termination. Meaning, courts across the country were divided on the requirements and how they applied the favorable termination element of a malicious prosecution claim. Other circuits, in addition to the Second Circuit, required some type of indication to confirm the party’s innocence. In contrast, jurisdictions like the Eleventh Circuit only





required that the criminal prosecution ends without a conviction. The Supreme Court granted certiorari in *Thompson v. Clark* to resolve such division.

The Supreme Court found that “the question of whether a criminal defendant was wrongly charged does not logically depend on whether the prosecutor or court explained why the prosecution was dismissed.” The Supreme Court further explained that an “individual’s ability to seek redress for a wrongful prosecution cannot reasonably turn on the fortuity of whether the prosecutor or court happened to explain why the charges were dismissed.” Therefore, the Supreme Court held that a plaintiff need only show that the

criminal prosecution **ended without a conviction**. In this case, Thompson satisfied such requirement.

Accordingly, *Thompson* provides a viable claim for individuals who were falsely accused or arrested and who had their cases dismissed without an explicit reason or statement confirming their innocence. Indeed, dismissals typically do not indicate innocence or guilt — like the underlying prosecution in this case. Now individuals merely need to show that their proceeding ended without a conviction to satisfy the favorable termination requirement.

In turn, the Supreme Court addressed the concern that this decision ends protection for police officers from

unwarranted civil suits. The Supreme Court explained that the plaintiff still must make other showings in order to succeed in a civil suit against officers. For example, the plaintiff in *Thompson*, alleging violations of his Fourth Amendment rights against illegal searches and seizures, still needs to show that the officers involved did not have probable cause when they conducted their “search.” Additionally, officers could still be protected by qualified immunity.

Overall, the ruling in *Thompson* lowers the bar for plaintiffs — making it easier for them to bring a suit under §1983 for malicious prosecution. Indeed, acquittals, plea agreements and dismissals for any reason could potentially lead to civil liability for the arresting or involved officers. **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),

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# New Retired Law Enforcement Concealed Carry Legal Defense Coverage



The FOP Legal Defense Plan's Board of Trustees has had numerous requests from current and prospective participants to review broadening coverage under the current HR-218 LEOSA Plan. After diligent review and analysis, the Board voted to make the following changes.

The HR-218 Plan coverage was replaced with the **FOP Retired Law Enforcement Concealed Carry Legal Defense Coverage (CCC)**. The expanded coverage will offer **unlimited** legal defense for civil and criminal claims associated with the legal carrying and/or use of a concealed weapon: All reasonable and necessary legal defense costs are now covered in full when using a plan attorney. This new expanded plan will provide coverage for not only those retirees who were qualified under

LEOSA, but also those retirees who are qualified under their own state laws to carry a concealed weapon. **Coverage does not include claims related specifically to the open carrying of firearms.**

The CCC went into effect on **January 1, 2021**. If you are a current HR-218 retired member, unlimited coverage and the enhanced benefits automatically took effect on January 1, 2021, with no additional cost. Upon renewal of your coverage in 2021, the new annual fee of \$75 will take effect. For all new retired members joining the plan after January 1, 2021, the annual fee is \$75.

If you are an active law enforcement officer covered by the FOP Legal Defense Plan, LEOSA coverage is already included. CCC is for **retired law**

**enforcement officers only** and separate from the FOP Legal Defense Plan.

The Board is excited to provide yet another excellent benefit for our FOP law enforcement brothers and sisters. In today's unstable times, it is crucial to make sure you are protected.

The Legal Plan values your business and thanks you for your continued support. To enroll, please visit our website at [foplegal.com](http://foplegal.com) and select Join Now > Retired Law Enforcement Concealed Carry Coverage. Full coverage, eligibility and other exclusions can be found in the Plan Description at [foplegal.com](http://foplegal.com), under the About > Library section. If you have questions pertaining to these changes, enrollment or the plan in general, please contact Hylant at (800) 341-6038 or via email at [info@foplegal.com](mailto:info@foplegal.com). **FOP**



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# BENEFITS OF FOP MEMBERSHIP

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

## Legislative Office

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

## Legal Defense Plan

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

## Labor Services Division

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

## National Peace Officers' Memorial Service

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

## FOP Journal

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

## 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 Grand Lodge also provides scholarships to eligible applicants.

## National Fraternal Order of Police University (NFOPU)

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



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





# Labor: When Workers Realize Their Worth

It should come as no surprise that union membership has been on the decline for the past 30 years. However, recent events point toward that trend ending. Union membership, particularly that of the private sector, is now reaching levels equivalent to that of the Great Depression era. Some attribute the rise to political climate changes, others attribute the rise to the economic effects of COVID-19. Whatever the reason, one thing is clear: Both private and public employees are beginning to realize their worth and demand working conditions commensurate with it.

Within the last two months, three major corporate employers — Amazon, Starbucks and Apple — have turned heads with their employees' organization. As of this month, 209 Starbucks stores have unionized as Starbucks Workers United, and Amazon employees have organized under the

## Just the Facts:

» Union membership, particularly that of the private sector, is now reaching levels equivalent to that of the Great Depression era. Though we may not know the exact reason why there has been a steady surge in unionization, one reason is clear: Both private and public employees are beginning to realize their worth and demand working conditions commensurate with it.

Amazon Labor Union. Labor experts across the country have gone on record acknowledging the fact that everything went against any of these conglomerates attempting to unionize, let alone be successful in doing so. And yet, they did, and they were.

Though we may not know the exact reason why there has been a steady surge in unionization, we do know that there has been a definite increase in support of unions. According to global workplace research firm Gallup, it is estimated that 65% of Americans now

support unionizing. This is the highest approval rating since 1965. Moreover, the National Labor Relations Board (NLRB) saw a 58% increase in union election petitions during the first nine months of FY22, which exceeds all petitions filed for the entire FY21.

All signs are pointing to what we in Labor Services have known for decades: all workers have worth, and their employment should correlate with that worth. Not many would debate that law enforcement officers have one of the hardest jobs of any profession, and that is why labor representation is vital. It is our job to make sure your public employer understands the level of difficulty your job entails and the worth you have as the protector of its citizens. Labor Services stands firm at the negotiation table to make sure your employer knows the worth you bring to their table.

As we near Labor Day, we encourage all FOP members to think about their worth not just as public employees serving their citizens, but as law enforcement officers. Every day you put that uniform on, you put your life on the line. In other words, your job holds your life, and nothing is worth more than your life. Here on Labor Day, we honor you. We honor your service to your public and your people, and we in Labor Services will always fight for your worth. Happy Labor Day! **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).





# NEW NATIONAL FRATERNAL ORDER OF POLICE RECRUITMENT BROCHURE

The National FOP Recruitment Committee has designed a new recruitment brochure to aid State and local lodges and individual members in recruiting new members into the FOP. This beautiful color brochure contains various QR codes that let the reader see the FOP website, the history of the FOP, the

Legal Defense Plan, the free college program and much, much more. It also contains a pocket for a membership application, business card or other information to be inserted.

**DISASTER RESPONSE**  
Responding to catastrophic events around the country, feeding thousands in need.  


**FRATERNAL ORDER OF POLICE**  


**NFOP POLICE MEMORIAL**  
Honoring those who gave the ultimate sacrifice.  


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The brochures are sold in lots of 100 for only \$20 with free ground shipping.



Lodges can order this wonderful recruitment tool by contacting the National Secretary's Office via Stephanie Simpson at [ssimpson@fop.net](mailto:ssimpson@fop.net).

**HISTORY OF THE FOP**  
Two Police officers in 1915 with a vision for the betterment of all Law Enforcement  


**LEGISLATIVE**  
The number one voice of law enforcement.  


**LEGAL DEFENSE**  
Criminal. Civil. Administrative  
It's better to have it and not need it, than to not have it and need it.  


**OFFICER WELLNESS**  
Leading efforts to ensure the well-being of law enforcement officers  


**FOP FREE COLLEGE**  
Up to a bachelor's degree members and their families saving millions of dollars every year.  




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