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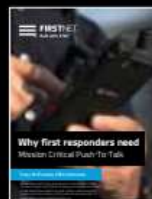
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WEP/GPO and Expanding Health Care Options for First Responders



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

The repeal of the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) is a top priority for the FOP, but improving retirement opportunities for our members is also a priority. As a profession, we retire earlier than other public servants because of the wear and tear on our minds and bodies.

Some pension systems do provide good health care benefits for law enforcement and other public safety needs, but too many officers who retire risk losing their employer-provided health insurance upon or shortly after retirement while still many years away from being eligible for Medicare.

To address this, the staff in our Washington, D.C., office worked with Senator Sherrod D. Brown (D-Ohio) to develop the Expanding Health Care

Options for First Responders Act, which would allow law enforcement and other public safety professionals the option to buy into Medicare at the age of 50. Senator Brown has reintroduced the bill as S. 3113, and Representative Dean B. Phillips (D-Minn.) has introduced H.R. 6030, the House companion bill.

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

This legislation is very important to our members because it provides them with a bridge of coverage following retirement until they reach the age of 65. While the enactment of the Social Security Fairness Act is a top priority, we will also be working hard to grow support for this legislation to ensure the very best retirement for our members who served and sacrificed for their communities.

In the last Congress, we got only one co-sponsor in the Senate and only 32 in the House. We can do better! Ask your representative and both of your senators to support this legislation and educate them about the challenges we face upon retirement. **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!

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Getting Our Houses in Order

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

Brothers and sisters, I hope this November edition of the *Journal* finds you and your family well. Soon, we will be celebrating two days of great meaning. The first is Veterans Day, November 11, a day when we honor our fellow Americans who served in the active military. Because of their unselfish service to our country and each of us, we enjoy the freedoms of our great nation. God bless our veterans and thank you for your service. Obviously, the second day is Thanksgiving, a holiday focused on spending time with family and friends. The day is centered around sharing and abundance. This year, make it a point to share with your family the many blessings you have.

I am happy to see that the U.S. House, the "People's House," has finally elected a speaker. The Honorable Mike Johnson (R-La.) was elected with 220 votes to Hakeem Jeffries' (D-N.Y.) 209 votes. I listened with great optimism to Speaker Johnson's acceptance speech as he detailed his vision for the House and, more importantly, our nation. I also learned that his father was a firefighter who was burned and disabled in the line of duty. I am saddened that he was injured, but it is refreshing to know that we have a public safety/first responder connection in the third most important position in our government. Let us pray for Speaker Johnson's success as he navigates through these tough political times.

Per capita is now due. The 2024 membership cards are at the office, and our membership staff will process per capita and issue cards to local lodge secretaries as we receive the payment. Should you not receive your 2024 membership card, you should contact your local lodge secretary to find out what the issue is. Additionally, this is election time for many lodges. If you are re-elected or newly elected as a lodge officer, please make sure your local lodge secretary updates your officer information on the lodge roster form. This form must be updated with our

Membership Office with the new end-of-term date even if there are no other changes.

Recently, I had the opportunity to attend an excellent two-day training event in Indianapolis hosted by the Great Lakes Area Coalition. A few of the topics presented were changes to the PSOB, how politics intersects with the FOP, and lodge discipline. The program was well organized and over 100 attendees from as far away as Washington state and Florida received this informative education.

I really don't like sounding like a broken record, but I must. We all have an obligation to "get our house in order" (the lodge) and maintain it. First and

Every lodge, from the National to the states to the locals, is obligated to be in compliance with basic requirements.

foremost is updating your constitution and by-laws. This is not a complex issue. Simply get a copy of your state's constitution and by-laws and the National Constitution and By-Laws (which I will send you a copy of if you email me) and make the necessary changes to your local's constitution and by-laws. Check to make sure that nothing conflicts with the state or National. After this review, send to your state lodge secretary for review by your state. Above all, know what the "rule book" says and follow it.

Every lodge is going to have something a little different in their constitution and by-laws. This is permissible and necessary

for the lodge to function in their respective jurisdiction and state. What is not acceptable is to have articles that conflict with the state and/or National constitution and by-laws. Almost weekly, I get calls from members questioning some provision or an action taken or not taken by their local lodge. Recently, I have received many questions about membership. The questions range from "Can private police be members?" to "Can we restrict retired active members from holding office?" The answer is **no** to both questions, but with a simple review and understanding of the National and state constitutions and by-laws, the answers are clear.

Another important but overlooked requirement is "compliance." Every lodge, from the National to the states to the locals, is obligated to be in compliance with basic requirements. Every lodge should, of course, have an updated constitution and by-laws. They should have an EIN issued by the IRS. They should have liability and officer/employee insurance on their building, property, elected officers and staff (if any). They should have copies of their IRS 990 tax filings. They should have a copy of their audits or, at a minimum, a review of their previous financial years. They should have updated copies of their monthly meeting minutes. They should have a record retention policy and they should have a policy on who is authorized to be signers on the lodge's account(s). The New Jersey State Lodge has an excellent checkoff list for compliance that I will share with you as a guide should you ask.

In closing, I recently watched the HBO documentary *Telemarketers*. If you have not seen the three-part series, don't waste your time. It is an obvious attempt to discredit the FOP and the good things we all do in our communities. HBO should be ashamed.

Be safe out there and I will see you soon. **FOP**



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Great Lakes Area Coalition Holds First Training Event

The Great Lakes Area Coalition held its inaugural training event at the downtown Indianapolis Hilton on October 19–20. Over 100 members attended the training, mostly from Ohio, Illinois, Indiana, Michigan and Wisconsin, but Washington, Florida, Tennessee, Colorado and Oklahoma were represented as well.

The training covered the following topics: officer resilience, political action and trends in collective bargaining, and changes to the federally funded Public Safety Officers' Benefits Program administered by the Bureau of Justice. There was also a section presented by Brother Leo Blackwell, Esq., on lodge discipline. It was a great training opportunity, and the speakers kept the presentations interactive with the audience. **FOP**



Event organizers Brothers Mike Sauger, Toby Deaton and Jay McDonald



Brother Leo Blackwell making a presentation



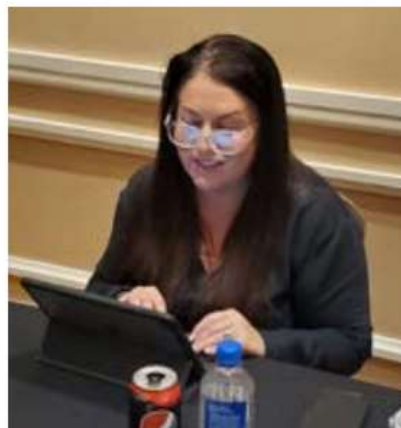
National Chair of Trustees Pride, National President Yoes and National Treasurer Smallwood (not pictured: National Secretary Holderfield)



Welcome sign for the training



Attendees listening to presentations



Registration by Sister Lisa Beam

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ILLINOIS

The Systemic Relationship Within the Law Enforcement Family: Correctional Parole Officers and the Street Cop Connection

JENNIFER WARD / IL FOP
CORRECTIONS LODGE #263

By definition, organizations form **partnerships** to increase the likelihood of each achieving their mission and to amplify reach. Partnerships, relationships and collaborations between the entities within the law enforcement family are important and share the ultimate goal of public safety.

The presence of parolees in the public and in our communities creates the need for a collaborative relationship between corrections and patrol officers, as well as the recognition that the two groups exist together under the larger umbrella of law enforcement. It is true each entity has its own roles, but being effective together often starts with an understanding and even an appreciation for each group and their respective sets of challenges and strengths.

Agreements or procedures may dictate the relationship's existence, but a partnership is developed among the officers who work within them, respecting each other's roles and utilizing each other and what they bring to the table.

The street cop spends a lot of their time trying to keep offenders off the street. They get arrested and dropped off at the local county jail for county correctional officers to secure and house until sentencing. Then, off to the state prisons, where thousands of correctional officers secure thousands more offenders for sometimes decades or more, and more often than not, at some point they get released with supervision. Correctional parole officers do not get to select who ends up on their caseload; they just have an obligation to fulfill their oath and job duties, and often that includes the partnership between agencies.

The following information regarding the Illinois Corrections Parole Division, taken directly from the IDOC website, includes the relationship and corroboration between entities. The full description can be found at idoc.illinois.gov/parole.html. It states in part:

"Domestic Issues and Orders of Protection Initiatives: The Parole

Division has initiated a comprehensive approach to the management of offenders charged and/or convicted of domestic violence crimes. Beginning with a statewide domestic violence curriculum for agents, adherence to orders of protection provisions, and swift action when violations occur, the division continues to update efforts to provide protections for victims of domestic crimes. In addition, the division continues to work with Cook County and the IL State Police to share information and build networks to ensure orders of protection are served and enforced.

Being effective together often starts with an understanding and even an appreciation for each group and their respective sets of challenges and strengths.

"Parole Police Compliance Checks:

As part of the parole monitoring efforts, the Parole Division has increased the number of parole compliance check operations throughout the state. The early morning operations conducted throughout Illinois help to ensure parolees are complying with the requirements of their parole. Parole agents and Division of Investigations and Intelligence partner with municipal, county, city, state and federal law enforcement agencies in conducting the operations. Through this concentrated effort of law enforcement teamwork, parolees are brought in to local police stations and processed through parole

interviews and drug testing. The Parole division is committed to cooperative efforts with compliance checks, Project Safe Neighborhoods and other local law enforcement efforts."

An IL FOP Lodge #263 Correctional Parole Officer/Agent Shares His Experience in the Field

"I have been employed with the Department of Corrections for approximately 15 years. I spent my first 10 years as a correctional officer and then moved on to the parole side of corrections on the street. I miss the daily brotherhood that we had inside the joint with my fellow brothers and sisters, but I added new family out here in the streets. I currently work with a variety of other law enforcement agencies that assist me in my everyday activities, depending on what the mission or issues may be at that time. Quite often over the past two months I've had the pleasure to work with the Chicago Police Department (Lodge #7) and the Illinois State Police (Lodge #41). The parolees assigned to my caseload have been convicted of everything from retail theft all the way to first-degree murder and everything in between. I also monitor parolees who are on parole from other states and have moved to Illinois. Those parole cases in themselves include a collaborative effort with corrections/law enforcement across state lines.

"I am currently assigned in the Chicagoland area and I alone supervise approximately 70 parolees who have been assigned to me for supervision. My coverage area is approximately 25 square miles and I see each parolee at a minimum of twice a month.

"Due to the seriousness of their convictions, I additionally have parolees being supervised by electronic monitoring and others that have been mandated to wear a GPS anklets. As a parole agent I am responsible for

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ILLINOIS

Continued from page 16 >

granting the necessary movement they need to go to work, school and counseling, and I have the resources to track them in real time. If a parolee fails to come back home on time, then a warrant is automatically issued for their arrest. Once the warrant is issued it's my job to investigate each instance, and then I contact support from the Chicago Police or a fellow parole officer/agent to assist in executing the warrant. If we can contact the parolee, then he may get sanctioned for not following the rules and a supervisor could squash the warrant. If he is AWOL and we cannot locate him, he will be assigned to the IDOC Fugitive Apprehension Unit.

"Some of my other duties as a parole officer/agent include working with the Chicago Police, Cook County Sheriff's Office and other suburban agencies during our compliance checks. During

these checks, the parole officers, along with other police departments and sometimes federal agencies, saturate a high-crime area and round up all the parolees living in the zip code. They are all drug tested and if there is reasonable suspicion a search might be conducted. The random checks help make sure they are staying out of trouble and not living in an environment that is holding them back. We also have parole officers/agents assigned to other special units that include task force teams, sex offender units and a women's unit that specifically deals with female parolees.

"We are usually solo when doing our everyday activities, but when we need backup assistance in executing a search warrant or serving an order of protection, I can always call on my fellow officers with the Cook County Sheriff's Office to assist. We also rely heavily on the Illinois State Police for assistance, and if we have policy or procedure questions, they are of great

help. I like the fact that I have numerous brothers and sisters that I can count on. The job is so much easier when we are all working together. I'm learning that it is more important to lift each other up when one is down rather than step on each other while in weakness. It's difficult to explain what we do and see every day to others, but I'm glad I have my FOP family that is supportive and understands how working together keeps us stronger and safer as officers and as individuals."

Law enforcement as a profession shares the goal of public safety. Each entity within the profession has its own role, and each of those should be recognized equally. Gaining an understanding of how they fit together can lead to mutual respect and better working relations and support. Individually, regardless of their area within the law enforcement family, officers share the goal of carrying out their oath. **FOP**

KENTUCKY

Shawn Helbig Named Kentucky State Lodge Member of the Year

The Kentucky State Lodge held its State Conference in Louisville on October 12–15, hosted by River City Lodge #614 President Ryan Nichols. Much business was discussed, including the upcoming state legislative agenda, lodge fundraising activities and the distribution of *Garrity* cards to the membership. An excellent officer wellness training program was coordinated by Trustees Chair Deborah Marasa on October 13.

One of the highlights of the conference was the presentation of the 2023 Martin D. Scott Leadership Award. This year's recipient was Brother Shawn Helbig of Bowling Green Lodge #13. Brother Shawn has demonstrated his leadership at the local, state and national levels in the FOP. His work in Washington, D.C., and the Kentucky General Assembly has benefited the members in Kentucky and across the nation.

Presenting Brother Helbig with the award were past State Secretary Dennis Spalding and State President Berl Perdue Jr. **FOP**





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KANSAS

Wichita Lodge #5 Holds News Conference

On October 16 at 1 p.m. (CST), President David Inkelaar of Wichita FOP Lodge #5 invited members, governmental officials, the business community and the media to the lodge for a discussion on the city mayor's actions against the members of the Wichita FOP.

Over 100 citizens attended, including local councilmembers, county commissioners, state legislators, business owners and other community leaders. The message was clear: The mayor failed to uphold his promises to the FOP and the community.

The four major speakers at the press conference were Kansas State President Casey Slaughter, Kansas National Trustee K.C. Blodgett, Wichita Lodge #5 President David Inkelaar and National FOP Secretary Jimmy Holderfield.

The focus of the discussion was a recent incident that occurred during a community cleanup event in a blighted neighborhood. The mayor, who has a rental property in the area, filled his truck with trash and tried to cut in line to dump the items. He was stopped by an officer working at the event and advised that he could not cut in line, that the dumpsters were full and that



no other waste was being accepted.

This didn't sit well with the mayor, who asked the officer, "Do you know who I am?" The officer didn't recognize the mayor at first, but did so upon further investigation. The mayor was so infuriated that he called the city manager, complaining about the officer and demanding the officer be disciplined. After a full

investigation by the agency and the advocacy of Presidents Inkelaar and Slaughter, no improper action by the officer was found. The mayor, however, was ordered to receive ethics training by the city's HR department. He also stated to the media that he later apologized to the officer over the incident, but no apology was ever received. **FOP**

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Our user-friendly website keeps you up to date on the topics that affect you!

You have the power of the FOP at your fingertips with easy access to all the information you need, including:

- + Law enforcement news
- + FOP updates and events
- + Member benefits
- + Legal defense
- + Legislation
- + Labor issues
- + Training
- + Wellness resources
- + And much more!



CALIFORNIA

Volunteering for a Good Cause

**BILL WESTERMANN / LODGE #1
EASTERSEALS COMMITTEE**

On October 21, members of Los Angeles County FOP Lodge #1 volunteered their time and provided security for the annual Easterseals Strides for Disability 5K/3K Walk and Run. This event took place at Marina Green Park in Long Beach, which is adjacent to the Shoreline Village and Marina.

According to event manager Linda Glasco, they are looking at over \$165,000 raised, with donations still coming in. She also stated they had a great turnout with over 1,000 participants in attendance, breaking previous records.

Our State FOP Lodge made its annual \$2,500 donation, giving the

FOP sponsorship status to include our logo on all flyers and banners.

Our FOP volunteers showed up at "zero dark thirty" to provide directions and traffic control to participants arriving for the event. In addition, they provided security for the event.

Many thanks to the following Lodge #1 members for giving up half of their Saturday morning to ensure this was a safe and successful event:

- Chuck Jackson
- Corky Jackson
- JR Rodriquez
- Jim Cronin
- Hans Kohnlein
- Terry Black
- Richard Duran **FOP**



Terry Black, the Easterseals 2022 event flyer poster child



Terry Black, Rich Duran and Jim Cronin



JR Rodriquez and Hans Kohnlein



JR Rodriquez, Hans Kohnlein, Rich Duran, Jim Cronin and Terry Black



Bill Westermann, Rich Duran, Corky Jackson and Chuck Jackson



Too Busy to Read an Article About Wellness? We'll Get to the Point!



SHERRI MARTIN / DIRECTOR OF WELLNESS

As we enter the holiday season and the pace of life inevitably picks up, it can be hard to find time to focus on healthy habits and to pay attention to your well-being. So, this month, we provide three quick tips to keep well during this busy season.

1. **Eat well to be well.** So many goodies, so much food! Food is one of the hallmarks of the holiday season, from candy at Halloween to glorious Thanksgiving spreads to all the treats that come along with the Christmas holidays. Remember not to overdo it, choosing instead to indulge only in your favorite treats — those you might not get at other times of the year. Try to sneak in some healthy options!
2. **Try to get enough rest.** Easier said than done, right? There are tons of chores to be done to prepare for the holidays, plus shopping for gifts and picking up extra shifts to pay for it all. It can be a challenge to squeeze in adequate rest. One way to navigate this challenge is to make a schedule. It may seem silly to schedule your sleep,

but writing it down or putting it on a calendar or agenda may mean the difference between wishing for more rest and actually getting it. Remember, failure to plan derails the best of intentions.

3. **Take it all in, and count the blessings of the season.**

The holiday season is filled with opportunities to share gratitude with those you love. It's the perfect time to express thanks to those who have supported us, and to give love and affection to family and dear friends. Making an actual written list of your blessings can be a wonderful gift to yourself that you can refer to all year long.

We, the members of the National Officer Wellness Committee, are thankful for you, our members, and we are grateful for the opportunity to support your well-being and that of your families. We hope this month is the beginning of a wonderful holiday season for you!

Mark your calendars and register now for the 2024 Wellness Summit, scheduled for February 19–20 in Nashville. We look forward to seeing you there! **FOP**



Hiring for Basic Police Officer Trainee, Lateral Officer & Lateral School Resource Officer

- Must be at least 21 years old
- No maximum age restriction

Benefits

- Education incentive pay: 3% increase for Associate's Degree; 6% increase for Bachelor's Degree
- 20 vacation days, 3 personal days, 12 holidays per year
- Earn 1 sick day per month (accumulate up to 120 days)
- 20 paid Military leave days
- Up to 30 days paid family sick leave
- \$800 state-supplemented in-service pay per year
- Endless overtime opportunities
- Longevity pay
- 100% Metro-funded pension
- 457 MetroMax Deferred Compensation plan
- Vested for service pension after 10 years
- Vested for medical pension after 10 years
- Use of Montgomery GI bills and Post 9/11 GI bills in first year of training
- Domestic partner benefits
- \$1000 uniform allowance per year

Insurance

- BlueCross BlueShield or Cigna health insurance (75% premium paid by Metro)
- Life Insurance
- Dental Insurance
- Vision Insurance

Basic Police Officer Trainee

- Police Academy pay (18 weeks) \$54,900 salary
- Pay during Field Training Phase \$60,501- \$64,131
- Pay upon completion of training \$66,185- \$70,156

Qualifications

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

Lateral Officer & Lateral SRO Officer

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

JOINMNPD.COM

GET READY FOR 2023 OPEN ENROLLMENT

The Fraternal Order of Police has teamed up with Aetna to offer Medicare plans to retired FOP police officers and their spouses. Starting **October 15**, members who are Medicare-eligible can sign up for any of our four Aetna Medicare Advantage PPO plan options. We have plan options to fit any budget, with lower premiums and deductibles than you may pay now.

Our four plans give you access to many benefits and programs, all at no extra cost. Aetna offers you:

- Medical, prescription drug, hearing and vision coverage
- SilverSneakers fitness benefits
- Resources for Living program to connect you with local resources
- Telemedicine visits 24/7 through Teladoc
- Care advocates who can help you manage complex conditions or behavioral health issues
- Nurses you can talk to 24/7
- Health and wellness programs

All four Medicare Advantage PPO plans have what we call an extended service area. This means you can see any licensed provider eligible to receive Medicare payment who 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.

Members can select an FOP Aetna Medicare Advantage PPO plan from **October 15 to December 7, 2023**. If you choose to enroll, your new plan will begin on January 1, 2024. If you have Medicare coverage through a former employer or a trust, check with your benefits team to see if an Aetna Medicare Advantage plan is an option for you.

There are several ways you can find out more about our Aetna Medicare Advantage PPO plans:

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





WE WANT TO HEAR FROM YOU!

2023 FOP Biennial Critical Issues in Policing Survey

Too often, law enforcement isn't afforded the opportunity to speak up, but this is your chance to have your voice heard! Your participation in the **2023 Biennial Critical Issues in Policing Survey** will enable your FOP leaders to advocate on your behalf about the issues that matter most to you. This anonymous survey is open to all active and retired members of sworn law enforcement in the U.S.



To take the survey, please visit
[www.surveymonkey.com/r/
FOPCriticalIssues2023](https://www.surveymonkey.com/r/FOPCriticalIssues2023)
or scan the QR code below.





Tiffin University



At Tiffin University, Graduation Is the Goal

A degree from Tiffin University is more than an accomplishment. It's a key that unlocks unlimited potential — from increased earning power to sharpening leadership skills to building a set of highly marketable skills that make for in-demand candidates.

At Tiffin University, we take pride in offering courses that are tailor-made for adult learners. We consider the whole student when it comes to academics, and understand that life doesn't stop when you're learning. By providing flexible ways to attend class, financial assistance and a supportive learning environment,

we intend to remove the hurdles that traditionally prevent students from achieving their highest ambitions.

Where Graduates Are Made

Tiffin University is structured to meet the needs of students who have busy lives, but a determination to graduate and get ahead. Our degree programs are offered both online and on campus, making it possible to work, live **and** graduate. More than 90% of Tiffin University students receive some form of financial assistance, making higher education accessible to a wider range of people.

Hear from Joseph Harris, an Ohio police officer who is pursuing an M.S. in Criminal Justice at Tiffin University,

at <https://go.tiffin.edu/blog/student-spotlight-joseph-harris-ms-in-criminal-justice-administration>.

Tiffin University Partners With FOP

We are proud to partner with the FOP to make higher education accessible to public servants. All current FOP members and their spouses receive a 30% discount off of the normal tuition rate. To learn more about this offer, go to <https://go.tiffin.edu/about-tu/partnerships/fop>.

Graduate and Doctorate Degree Programs at TU

Tiffin University is fully invested in

Continued on page 28 >

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.



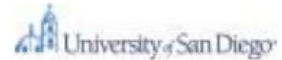
Charles Town, WV



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Tiffin, OH



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Cincinnati, OH



Williamsburg, KY



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Olivet, MI



Arlington, VA



Fayette, IA



Romeoville, IL



Rosemont, PA



Adelphi, MD



Minneapolis, MN

NFOPU SPOTLIGHT

Continued from page 26 >

every student's success, from day one to graduation. We offer a wide range of degree programs, all with flexible scheduling options and instruction from experienced professors who are experts in their field. Here are a few of the degrees offered at TU, which pair well with the in-field experience of FOP members:

- Master of Science in Criminal Justice
- Master of Business Administration
- Master of Science
- Master of Education
- Master of Humanities
- Ph.D. in Global Leadership and Change

Undergraduate Degree Programs at TU

Tiffin University is ideally designed for students who want to earn or complete a bachelor's degree. Because it's never too late for the next stage of academic success, our undergraduate program is great for adult learners. Flexible scheduling and small class sizes with experienced instructors provide a solid foundation to graduate with a sense of accomplishment. Below are a few of TU's undergraduate

degrees that may align with the interests of law enforcement officers:

- Bachelor of Criminal Justice
- Bachelor of Business Administration
- Bachelor of Science
- Bachelor of Arts

Already Have an Associate Degree?

Completing an associate degree is the first step in furthering your education. Tiffin University ensures that every credit you've already earned can aid you in the pursuit of graduation. You can earn your bachelor's degree from Tiffin University in 60 (or fewer) credits. Depending on past academic performance, it may be possible to earn your bachelor's with even fewer credits, but the maximum required for graduation is 60 credits. Learn more about our online bachelor's degree completion program at <https://go.tiffin.edu/bachelors-programs/associate-to-bachelors-degree-completion>.

Transfer Credit

In an effort to help students save time and money, Tiffin University awards transfer credits based on the completion of certification and/or academic programs,

including CLEE, CLEP, FBINA, ODRC, PELC and STEP.

Paving the Path to Academic Success

Because Tiffin University is a graduation-focused institution, we ensure that every student is adequately prepared and has thorough guidance throughout the academic journey. Your advisor is your best advocate, and is on hand to assist with course planning, navigating the financial aid process, providing support for personal matters and much more. We share in your success and take your commitment to academics personally.

Don't Miss the Upcoming Enrollment Deadline!

Classes are starting soon, and there's no time like the present to turn your focus to earning or completing your degree. We are currently accepting applications for all degree programs, which start six times per year. Go to <https://go.tiffin.edu/apply-now> to begin the application process — which doesn't require a fee to submit. Once complete, a member of the Tiffin University admissions team will reach out to answer all of your questions and assist with finalizing your application. **FOP**

WELLNESS PROVIDERS

Chateau Recovery Midway, UT

chateaufrecovery.com/programs/first-responders

FHE Health: Shatterproof Program Deerfield Beach, FL

fhrehab.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.

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 \$254.99 LCP CALIBER: .380 AUTO CAPACITY: 6+1 SIGHTS: INTEGRAL BARREL LENGTH: 2.75"	 \$849.99 VP9 CALIBER: 9MM CAPACITY: 17+1 SIGHTS: NIGHT SIGHTS BARREL LENGTH: 4.09"	 \$659.99 870P SHOTGUN CALIBER: 12GA CAPACITY: 6+1 SIGHTS: BEAD SIGHTS BARREL LENGTH: 18" STOCK: SYNTHETIC	 \$1449.99 COLT PYTHON CALIBER: 357 CAPACITY: 6 GRIPS: Walnut BARREL LENGTH: 4.25" FINISH: STAINLESS STEEL

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FOP
MEMBERS

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House Paralyzed for Three Weeks After Speaker “Fired”



Representative Mike Johnson (La.) Elected as New Speaker

On the final day of the federal fiscal year, the House passed a continuing resolution to fund the operations of the federal government through November 17. The Senate followed suit, and with just hours to spare, President Biden signed the resolution.

Just a few days later, a small group of Republican hardliners joined with all Democrats and voted to “vacate the chair” — a motion that removed Representative Kevin O. McCarthy (R-Calif.) as speaker of the House.

This had never happened before in American history. Without a speaker, the House cannot conduct any legislative business. Per House rules, Representative Patrick T. McHenry (R-N.C.) became speaker *pro tempore* and triggered a new election for speaker of the House.

Representative Steven J. Scalise (R-La.), the current majority leader, was nominated by the Republican conference but did not have enough support to win a majority of the House, so he withdrew from consideration.

The conference then turned to Representative James D. Jordan (R-Ohio), the current chairman of the House Judiciary Committee, as the nominee. The House voted three times on his nomination, but Representative Jordan was 20 votes short of a majority on the first ballot and then continued to lose support from his fellow Republicans. The Republican conference met again and removed him as speaker-designee.

After more than two weeks without a speaker, nine Republicans declared their candidacy for speaker, and after multiple ballots, the conference chose Representative Thomas E. Emmer Jr. (R-Wis.), the current majority whip,

Just the Facts:

On October 3, Representative Kevin McCarthy was removed as speaker of the House, a first in United States history. Without a speaker, the House cannot conduct any legislative business. Representative Mike Johnson (R-La.) was nominated to be the next speaker of the House on October 25 on a 220–209 vote. In addition, as of the beginning of October, there have been 92 ambush-style attacks on law enforcement in which 109 officers were shot, 16 of whom were killed. The staff in the National Legislative Office has been working on an advocacy campaign focused on building support for the Protect and Serve Act among Republicans on the Committee on the Judiciary.

to be the next speaker of the House. Within hours, Republican opposition to his election as speaker forced him to withdraw his name from consideration — leaving the House paralyzed and leaderless for nearly three weeks.

The Republican conference met again with six different members seeking the speaker’s gavel. Representative Mike Johnson (R-La.) prevailed in the Republican conference and was nominated to be the next speaker of the House. He was elected on a 220–209 vote, with all Republicans present on the House floor voting for him.

Keeping the Federal Government Open

Prior to his elevation as speaker of the House, Johnson sent a letter to all members of the Republican conference, which laid out a schedule to consider the remaining appropriations measures before the November 17 deadline. He also stated that he would propose and support a new continuing resolution through January 15 or even April 15, 2024, if necessary.

The new speaker will be working with the same narrow and fractious majority as former Speaker McCarthy, so it is unclear if the schedule will hold or if there will be enough votes to pass the remaining

spending bills. Even if they do, many of the House-passed measures have little to no chance to pass the Senate as drafted.

The Senate is scheduled to consider a “minibus” appropriations bill — Military Construction and the U.S. Departments of Agriculture, Housing and Urban Development, and Transportation — before the end of October. The spending package will be incorporated into H.R. 4366, the Military Construction, Veterans Affairs and Related Agencies Appropriations Act, which passed the House in September.

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

Social Security Fairness Act Support Stands at 298!

As we reported in last month’s issue of the *Journal*, co-sponsorship in the House is sufficient to invoke a clause in House Rule XV, allowing the sponsor(s) of a bill that has accumulated 290 co-sponsors and has not been reported by the committee with primary jurisdiction — in this case, the Committee on Ways and Means — to file a written motion with the office of the clerk to place the bill on the Consensus

Continued on page 32 >



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Top Priorities in Brief

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

House: 298 co-sponsors (97 R, 201 D)

Senate: 46 co-sponsors (36 D, 7 R, 3 I)

Urge Congress to pass it:
tinyurl.com/ycxk6pay

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

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

Senate: 1 co-sponsor (1 R)

Urge Congress to pass it:
tinyurl.com/37afz34h

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

House: 40 co-sponsors (10 R, 30 D)

Senate: Not yet introduced

Urge Congress to pass it:
tinyurl.com/5h6mtmvt

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

House: 35 co-sponsors (35 R)

Senate: 3 co-sponsors (3 R)

Urge Congress to pass it:
tinyurl.com/3w4br4sj

H.R. 743, the Protect and Serve Act

House: 87 co-sponsors (75 R, 12 D)

Senate: Not yet introduced

Urge Congress to pass it:
tinyurl.com/3uzdafpk

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

House: 91 co-sponsors (64 R, 27 D)

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

Urge Congress to pass it:
tinyurl.com/48vxkdp4

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 30 >

Calendar. Once the motion has been filed, the bill needs to maintain at least 290 co-sponsors for a period of 25 legislative days, and then it will be placed on the Consensus Calendar, where it must either be acted on by the House or reported by the committee.

The FOP remains in close contact with our sponsors, Representatives Garret N. Graves (R-La.) and Abigail A. Spanberger (D-Va.), but discussions about a path forward during this calendar year were suspended by the chaos in the House. Without a speaker, the House was unable to conduct legislative business, which derailed our efforts to move forward on the legislation.

The Senate bill has 46 co-sponsors as of mid-October, and the FOP is focusing on building support for consideration and a potential hearing in the Committee on Finance.

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

As of the beginning of October, there have been 92 ambush-style attacks on law enforcement in which 109 officers were shot and 16 of whom were killed. The staff in the National Legislative Office has been working on an advocacy campaign focused on building support for the legislation among Republicans on the Committee on the Judiciary. Representative James D. Jordan (R-Ohio), the committee's chairman, noticed the bill for consideration in May but was forced to pull the bill off the agenda when a group of Republicans on the committee told him they would oppose the legislation.

The FOP has also identified seven members of the House whose regions lost officers to an ambush-style attack. You can see that list of members and the letters that we sent them at tinyurl.com/mr47yfmf.

The campaign has been successful — we added one Democrat and eight Republicans as co-sponsors of the bill, including three Republican members of the Judiciary Committee: Representatives Scott L. Fitzgerald (R-Wis.), Thomas P. Tiffany (R-Wis.) and Nathaniel Q. Moran (R-Texas).

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

Legislative Update: Medicare at 50

The FOP helped develop the Expanding Health Care Options for First Responders Act, which was reintroduced by Senator Sherrod D. Brown (D-Ohio) as S. 3113 in the Senate.

The legislation would allow law enforcement and other public safety professionals the option to buy into Medicare at the age of 50. In many cases, law enforcement and other public safety officers retire much earlier than other public employees because of their job's physical demands. Those who do retire risk losing their employer-provided health insurance upon or shortly after retirement while still many years away from being eligible for Medicare. This legislation would direct the Secretary of the U.S. Department of Health and Human Services to establish premiums based on the risk pool for public safety officers who opt into the programs as a separate population, but they would remain eligible for tax credits and cost-sharing subsidies to help them purchase insurance. Once the officer reaches the age of 65, he or she will be seamlessly entered into the traditional Medicare program.

This legislation is very important to our members because it provides them with a bridge of coverage following retirement until they reach the age of 65.

Legislative Update: Project Safe Childhood Act Passes Senate!

The Senate considered and passed S. 1170, the Project Safe Childhood Act, which updates and expands provisions included in the original Project Safe Childhood initiative launched by the U.S. Department of Justice (DOJ) by unanimous consent. The bill, which the FOP supports, will now go to the House for further consideration.

Other Legislative Activity

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

- **H.R. 1105**, the Debbie Smith Reauthorization Act, which would reauthorize the Debbie Smith Act for five years and allocate \$151 million in funding
- **H.R. 5029**, the Strong Communities Act, which would help build on

Continued on page 34 >

There Is ALWAYS Another Option

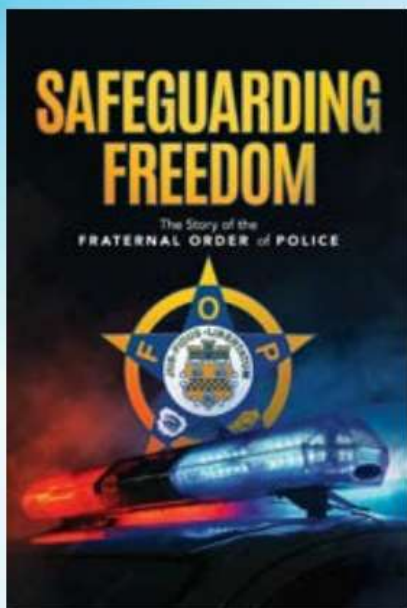
FOP Vetted and Approved Crisis Hotlines



Under New York State Law, 4017, and notification



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



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

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

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

WASHINGTON REPORT

Continued from page 32 >

the community–policing model by establishing a grant program for local law enforcement agencies to assist in recruiting officers from their own community

- **H.R. 5182**, the Child Online Safety Modernization Act, which would strengthen the National Center for Missing and Exploited Children CyberTipline by modernizing and improving the reporting process, extending the required preservation period for individual reports to one year and replacing the term “child pornography” with “child sexual abuse materials” throughout all federal statutes
- **H.R. 5266**, the Interdiction of Fentanyl in Postal Mail at Federal Prisons Act, which would empower the director of the Bureau of Prisons (BOP) to evaluate correctional facilities’ capabilities to protect staff and detainees from exposure to synthetic drugs and opioids and implement appropriate protective measures as a result of the findings
- **H.R. 5538**, the Border Patrol Pay Fix Act, which would allow the majority of border patrol agents to receive a special overtime pay rate

Sign Up for the Weekly Update for the Latest News!

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

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

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

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

Check out the Blue View Podcast!

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

On one of the recent episodes of the *Blue View*, National President Patrick Yoes and Rick Smith, the chief executive officer for Axon, discussed innovations at

the intersection of technology and public safety. You can watch that episode here.

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

The National FOP PAC Needs You!

The National Fraternal Order of Police Political Action Committee (NFOP PAC) was able to raise some desperately needed funds at the National Biennial Conference, but we need more of our members to contribute to ensure that our PAC has the resources to support candidates who will fight for our officers and the issues that are important to them. We are encouraging more lodges to follow the example of the Long Beach Police Officers Association in California, which contributes more than \$1,000 every month through its payroll deduction program.

The next election is coming up fast! 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 strengthen our PAC.

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

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

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

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Livestreaming Police Officers: Sharpe v. Winterville Police Department

Courts across the country have made it clear that the First Amendment protects the right of individuals to record an officer performing their duties in public. But does the right to **record** include livestreaming? Livestreaming is when an individual is broadcasting a situation in real time to the public through a social media platform. The scope of the First Amendment in relation to livestreaming was addressed for the first time by the Fourth Circuit earlier this year. Answering in the affirmative, the court held that livestreaming is protected speech.

In *Sharpe v. Winterville Police Department*, Dijon Sharpe was the front-seat passenger in a car that was properly stopped for a traffic violation by Winterville Police Officers Ellis and Helms. During the encounter, Sharpe started videorecording with his smartphone and began livestreaming via Facebook Live to his Facebook account. Helms noticed that Sharpe was livestreaming the stop and tried unsuccessfully to grab

Sharpe's phone. Helms told Sharpe to stop livestreaming because it is an officer safety issue when viewers can locate the stop and potentially interfere. However, Sharpe kept livestreaming. Neither Helms nor Ellis made further efforts to stop him.

Sharpe filed suit under 42 U.S.C. § 1983. Specifically, he sued the officers in their official capacities — effectively suing the Town of Winterville — for allegedly having a policy that prohibits recording

and livestreaming public police interactions in violation of the First Amendment.

He also sued Helms in his individual capacity. The district court found that the policy, as alleged, did not violate the First Amendment. And the court dismissed the individual capacity claim because it was barred by qualified immunity. Sharpe appealed to the Fourth Circuit.

First, the Fourth Circuit **disagreed** with the district court finding that the policy did not violate the First Amendment. The Fourth Circuit held that livestreaming a police traffic stop is protected speech. The court wrote, “[r]ecording police encounters creates information that contributes to discussion about governmental affairs. So too does livestreaming disseminate that information, often creating its own record.” The Fourth Circuit acknowledged that “officer safety” interests **might** justify curtailing individuals’ rights in this area. However, in this case, the court found that the Town failed to provide concrete evidence to establish that the policy was properly tailored to survive First Amendment scrutiny. The court further stated that if such a policy existed, then under the traditional First Amendment analysis, it would likely be a violation of free speech. However, the court could not tell based on the record before them and therefore remanded for further proceedings.

Just the Facts:

» In *Sharpe v. Winterville Police Department*, the Fourth Circuit held that the First Amendment right of individuals to record an officer performing their duties in public extends to livestreaming. The case is now being appealed to the Supreme Court, with the FOP arguing in its amicus brief that because the livestreaming was performed by a suspect who was being detained during a traffic stop, the Fourth Amendment applies and precedent allows for officers to take reasonable steps to protect themselves, even if such steps intrude on the liberty interests of those who have been stopped.

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Essentially, since Sharpe plausibly alleged a violation, he must now prove that the alleged policy exists. This also provides the Town with the opportunity to present actual evidence to show that the policy furthers the governmental interest of officer safety.

Second, the Fourth Circuit **agreed** with the district court's ruling that Helms is entitled to qualified immunity. The court stated that qualified immunity protects Helms in his individual capacity, unless it

**This was the first
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a proper traffic stop.**

was clearly established at the time of the traffic stop that forbidding a passenger from livestreaming their own traffic stop violated the First Amendment. The court found that there is "no precedent in this Circuit nor consensus of authority from the other Circuits established that Officer Helm's actions were unconstitutional."

Indeed, this was the first time that a court had addressed livestreaming by an individual involved in a proper traffic stop. Therefore, the Fourth Circuit affirmed the district court's decision to dismiss the claim against Helm in his individual capacity.

While the Fourth Circuit's decision focused solely on the First Amendment, in the concurrence, Judge Niemeyer questioned the issues under the Fourth Amendment. While he agreed with the outcome, he believed the relevant analysis instead should be conducted in the context of a lawful Fourth Amendment seizure. Niemeyer highlighted that we expect individuals to give up other constitutional rights — like their Second Amendment rights — when officers conduct proper traffic stops. So, he asked, why not expect the same for their rights under the First Amendment? He thought that the officers' restrictions on Sharpe's cellphone use were thus **an aspect of the seizure**, and therefore the lawfulness of the restriction is regulated by the Fourth Amendment. The foundation of Fourth Amendment jurisprudence recognizes that when conducting traffic stops, law enforcement officers may intrude on the liberty interests of those who have been stopped, so long as the intrusion is **reasonable**. Therefore, he would restate the issue as **"whether during a lawful traffic stop, law enforcement officers may lawfully prohibit the person detained from conducting electronic communications with others."**

This distinction, while nuanced, is a meaningful adjustment to the analysis that will have significant impact on courts' analysis of police officers' conduct moving forward. Thus, whether courts should evaluate this issue under the First or Fourth Amendment is one of the two questions being presented to the Supreme Court of the United States. Participating as *amicus curiae*, the National Fraternal Order of Police submitted its brief in support of the officers and the Town of Winterville. Therein, the NFOP argued that Niemeyer's Fourth Amendment analysis is the appropriate framework in this type of situation. Unlike prior cases — where a **bystander** was recording or livestreaming the officer — this matter involved a properly detained individual and a traffic stop. It is well established law that when a police officer conducts a traffic stop, everyone in the vehicle is seized within the meaning of the Fourth Amendment. Even the Supreme Court has emphasized that traffic stops are especially fraught with danger to police officers (*Michigan v. Long*, 463 U.S. 1032, 1047 [1983]; see also *Pennsylvania v. Mimms*, 434 U.S. 106, 110 [1977]). Thus, as Niemeyer points out in his concurrence, precedent allows for officers to take reasonable steps to protect themselves during traffic stops, even if such steps intrude on the liberty interests of those who have been stopped.

Accordingly, the NFOP advocated that the Fourth Amendment is the proper analysis to protect officers in these specific circumstances. It is imperative that the Supreme Court clarify the proper framework for courts to analyze officers' conduct in traffic stops in relation to livestreaming — or the First Amendment more generally. **FOP**

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2023 National Diversity Summit: Nurturing Unity, Knowledge and Inclusivity

From October 9 to 11, the Fraternal Order of Police hosted the 2023 National Diversity Summit in Charlotte, North Carolina. This pivotal event united law enforcement professionals, community leaders and experts to explore and champion diversity, inclusivity and cultural awareness in policing. The summit featured a range of training classes, each led by distinguished presenters and a keynote address by Chief Jason Armstrong of the Apex, North Carolina, Police Department.

Training Classes

- 1. African American Culture Awareness and Procedural Justice (Dr. Gregory Salter):** Dr. Gregory Salter, an esteemed scholar, spearheaded two vital training sessions. The first, Procedural Justice, emphasized fairness, respect



and transparency as pillars for building trust within communities and between law enforcement and the public. The second class, African American Culture Awareness, delved into the African American community's history, experiences and challenges, fostering understanding and empathy among law enforcement professionals.

2. **Hispanic-Latino Culture Awareness (Raheem and Yholima Vargas-Aleem):** Raheem and Yholima Vargas-Aleem, prominent advocates for Hispanic-Latino culture, conducted this enlightening class. It explored the rich tapestry of Hispanic-Latino cultures, encouraging a deeper appreciation and understanding within the law enforcement community.
3. **LGBTQ+ Culture Awareness (Tommy Reyes and Vanessa Gonzales):** Tommy Reyes and Vanessa Gonzales, well-



respected figures in LGBTQ+ advocacy, offered insights into the unique challenges faced by the LGBTQ+ community. This class aimed to foster a more inclusive and supportive environment within law enforcement agencies.

4. **Women in Law Enforcement (April Browne and Kisha Preston):** April Browne and Kisha Preston, champions for gender equality in law enforcement, conducted the

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DIVERSITY COMMITTEE

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Women in Law Enforcement session. It celebrated the accomplishments of women in the field while addressing the specific challenges they encounter, helping to advance women's careers in policing.

5. **Women in Leadership (Denise Campbell):** Denise Campbell, a leader in promoting women in leadership roles within law enforcement, guided the skills and strategies required to excel in leadership positions. This class aimed to empower women to take on agency leadership roles.
6. **Diversity Awareness (National Diversity Committee):** The National Diversity Committee facilitated this vital session. Diversity awareness focuses on the benefits of diversity within law enforcement agencies and

emphasizes the importance of understanding and embracing diverse backgrounds and perspectives.

7. **Suicide Awareness**

(Dr. Kareem Puranda):

Dr. Kareem Puranda, an expert in mental health, led the Suicide Awareness class, providing attendees with the knowledge to identify and respond to signs of distress. This training aimed to ensure the well-being of both officers and the communities they serve.

8. **Keynote Speaker: Chief Jason**

Armstrong: The summit's featured keynote speaker, Chief Jason Armstrong of the Apex Police Department, delivered an inspiring address that underscored the significance of diversity and inclusion in modern policing. Chief Armstrong shared insights from his experience and emphasized



the importance of community engagement, trust and respect in law enforcement. His speech was a rallying call for attendees to continue fostering community unity and understanding.

Conclusion

The Fraternal Order of Police's 2023 National Diversity Summit in Charlotte, North Carolina, was a remarkable event that underscored the importance of diversity, inclusivity and cultural awareness in law enforcement. Each unique training class, led by distinguished presenters, equipped attendees with the knowledge and tools to strengthen the trust bonds between law enforcement and the public they serve. The summit served as a testament to the power of diversity and inclusivity in creating a more just and harmonious society while enhancing the effectiveness of law enforcement agencies. It was an opportunity to learn, grow and take meaningful steps toward a more inclusive and united future in policing. **FOP**





Duty-to-Intervene Training

When did it become necessary for our profession to train on duty to intervene? Hasn't it been an inherent tenet of the FOP to take care of one another? To be our brother's and sister's keeper? To keep one another out of harm's way? To come to the aid of a sister or brother in need? Is not the duty to intervene part of that tenet?

I asked that specific question at last year's Leadership Matters training in Nashville. I was actually surprised by the answers that I received. Some of our senior members in attendance confirmed that in fact, over the years, our profession has lost that inherent skill. Perhaps call it a failure in the evolution of our profession. Perhaps it was a cultural part of our existence that simply got lost over time. However it happened, it's real for many of us in today's world.

Our younger attendees agreed. Intervention has only become an issue in the last several years. Our training academies are often slow to react to the quick twists and turns our profession has recently gone through. In states where training on intervention was mandated by state law, academy responses were quicker, but not immediate. Some states enacted penalties for failure to intervene but overlooked the critical component of training.

So, we have a quilt of differing expectations and ideologies out in the field. Some officers are trained in intervention, some not. We know that is a recipe for disaster, as has been reflected in some high-profile incidents across the country where intervention was attempted, yet not readily accepted. I have often been told by officers unfamiliar with the concept that they would not be receptive to an intervention

from a younger officer or a colleague who they were unfamiliar with.

I had the opportunity recently to monitor a duty-to-intervene training at Emory University in Atlanta. Attendees were primarily experienced trainers, well-seasoned and from the area. As expected, I sensed a certain skepticism as we started the class. As we progressed, I could see barriers falling as it became clear that the concept of intervention made sense in today's environment. One only has to be an LEO for a short time to realize that there are those we interact with who are baiting us for an inappropriate response.

That inappropriate response can be devastating to one's career, if not one's very livelihood. Loss of employment or potential imprisonment are some unfortunate results of the failure to intervene. As unfortunate as this is, let's look at the ripple effects of such an incident: community disillusionment with their police agency and political fallout resulting in budget cuts affecting equipment, training and personnel.

High-profile incidents can ripple across the country, as we have seen and experienced. An incident in the Midwest can affect agencies coast to coast. And let's not forget the impact it has on our FOP lodges, which are embedded within our communities and are forced to explain that these incidents are not reflective of an entire profession, all the while expending resources to support our sisters and brothers who are involved.

As an employer defends itself from an impending lawsuit, monies expended have to come from somewhere. Often they come from the very budgets we rely upon to provide

needed increases in pay and benefits. Expenses involved in defending our members often run into the tens of thousands of dollars. Is it not in all of our best interests to prevent such occurrences? Training in duty to intervene is one part of that puzzle to diminish risk.

From my involvement in the Collaborative Reform Initiative – Technical Assistance Center (CRI-TAC), I have witnessed a dramatic increase in police agencies requesting training on duty to intervene — so much so that we are seeking additional trainers to instruct on a COPS Office-certified curriculum. If you are a trainer and are interested in becoming a certified duty-to-intervene instructor, please reach out to me. I cannot promise anything, but I am extremely interested in putting together a cadre of trainers in this field.

Our next Leadership Matters training will be February 22–24, 2024, in Nashville. Our Wellness Summit precedes that on February 19–20. For a list of all our training opportunities, visit our website at [FOP.net](https://fop.net).

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

FOP DIVISION OF EDUCATION AND OUTREACH

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



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Practice, Practice, Practice

An issue that comes up from time to time in employer–employee relations is known as “past practice.” To be clear, this is not quite the same as “Well, we’ve always done it that way, so ...” While there is some validity to that phrase, past practice is a bit more involved.

Under the law, when two parties have a history of acting a certain way regarding a particular issue or question, there is said to exist enough of a practice that an agreement or contract as to that issue or question is implied. Implied agreements or contracts based on past practice can exist in many different contexts or settings. A simple example would be two people in a domestic relationship who have an implied agreement that when one partner prepares a meal, the other does the dishes. An implied agreement can exist simply based on the actions of the parties over time without ever even having a discussion about it.

Past practice can be a significant issue in an employment setting, as well. For example, over the course of years there may be an implied policy that time-off requests made on short notice are only granted if the position of the person

Just the Facts:

» “Past practice” is when two parties have enough of a history of acting a certain way regarding a particular issue or question that an agreement or contract is implied. In employer–employee relations, arbitrators and judges will often recognize past practices as valid agreements. The longer a past practice is in place and the more consistent it is, the more likely it will be legally enforced. This is why, whenever possible, past practices — or changes to them — should be memorialized through collective bargaining or otherwise put into writing.

taking the leave can be filled without the employer incurring overtime. In this example, failing to understand the validity and significance of past practice can lead to missed family opportunities and experiences and a disgruntled employee,

Collective bargaining and the resulting CBAs are an excellent way to memorialize past practices.

not to mention strained relationships with employers. Arbitrators and judges often recognize past practices as valid agreements. The longer a past practice is in place and the more consistent it is, the more likely a past practice will be enforced.

Wherever possible, past practices should be reduced to writing. Collective bargaining and the resulting CBAs are an excellent way to memorialize past practices. They can also be changed or

clarified in a CBA. The opposite is also true: The longer the employer and the union engage in contract negotiations over time without addressing the past practice, the more likely it is that an arbitrator or judge will rule that the union and the employees have agreed to the past practice. Do not take for granted or assume that simply because your CBA has some provisions on an issue, a past practice can’t still be relied on. The CBA must expressly address the specific issue that has been the past practice. It is even worth stating in the CBA that the previous past practice is no longer in effect based upon the negotiated provision.

In jurisdictions that do not have collective bargaining, it is very constructive to work with the employer to have the past practice put into written policy so that all affected employees are on notice. Even though there may be no statutory right to collective bargaining, constructive conversation can be had with the employer to create reasonable policies that take the subjectivity out of the past practice and bring more clarity to the workplace.

As always, we encourage constructive dialogue between employers and our members, whether in collective bargaining or otherwise. Please do not hesitate to contact the Division of Labor Services for support. Be safe and be aware. **FOP**



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