

SUIT UP FOR SPRING WITH OUR SWEEPSTAKES! // P. 3

FOP

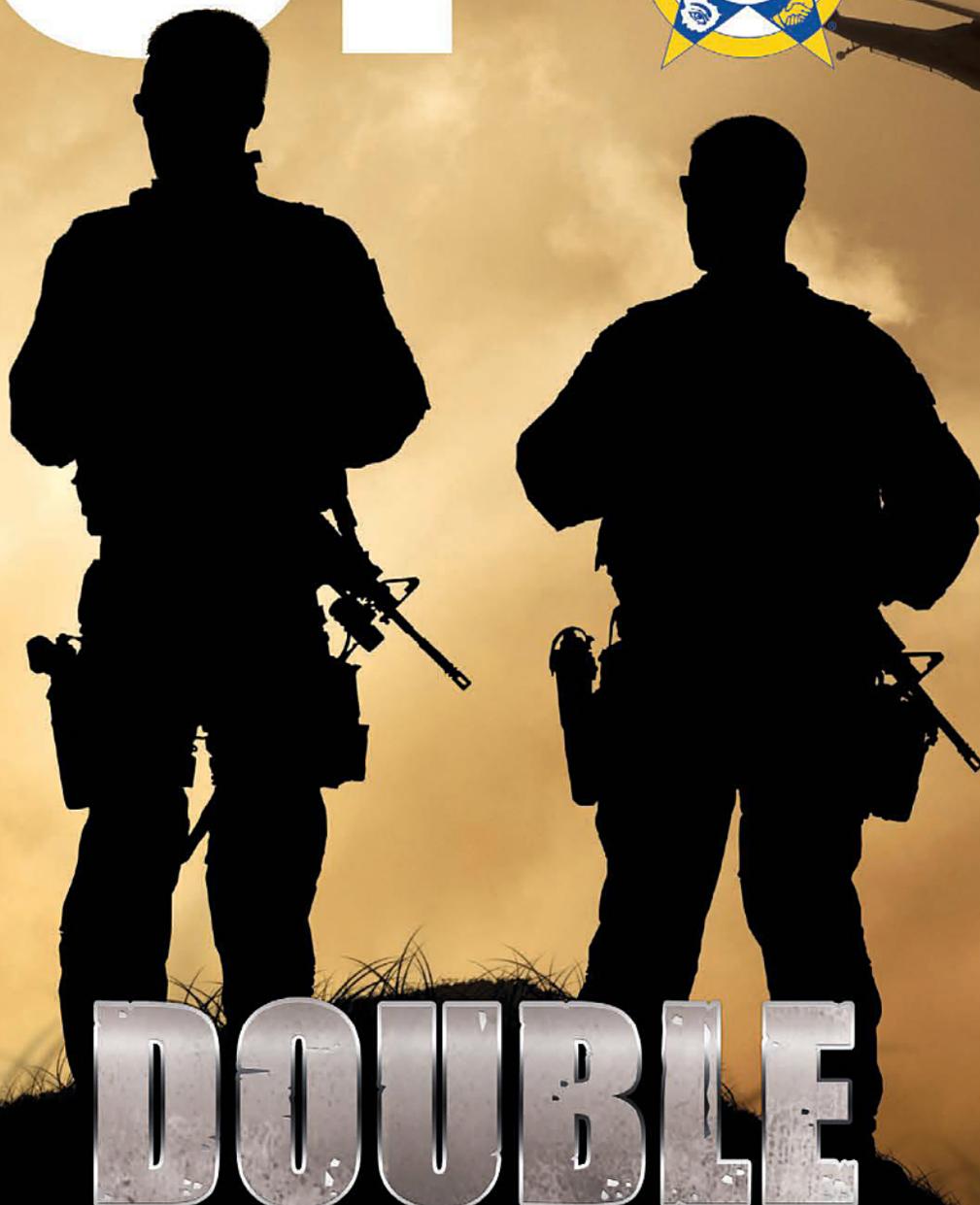
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Legal Plan Participants:

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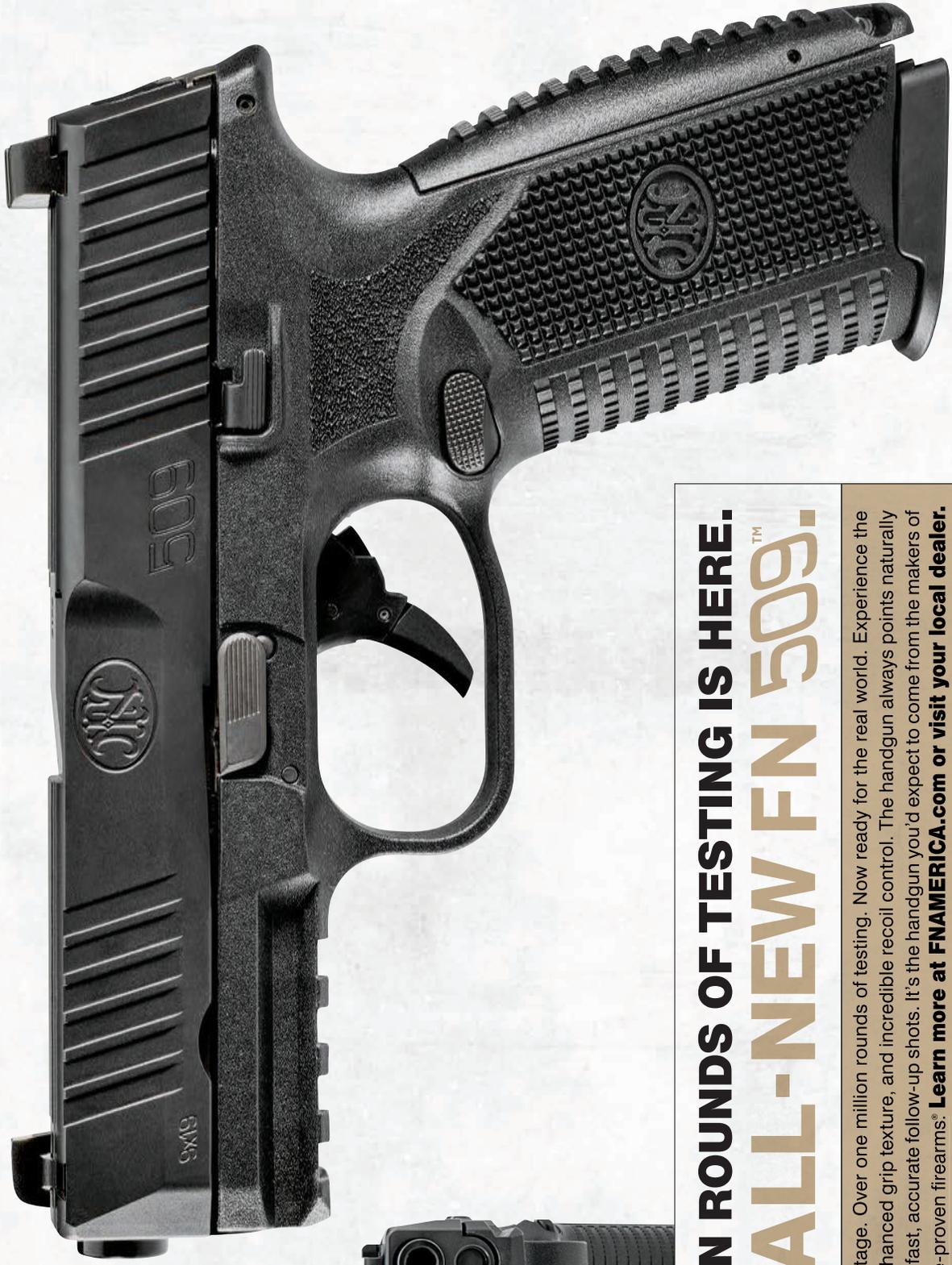
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// **WRITE TO US!** If you have further questions, contact Chuck Canterbury at fopchuck@outlook.com.

FOP Benefits: The phrase sounds familiar, but what does it really mean? In 2012, we enlisted the assistance of SF&C Insurance to help us determine what additional benefits our members needed for themselves and their families. We gathered information and formed FOP Benefits with the help of SF&C Insurance. We have been developing and growing our products for you, our members. But just in case you still don't know about everything that's out there, let me give you a brief overview of your benefits.

Everyone needs auto and homeowners insurance, but where do you turn to for it? FOP Benefits has a relationship with Liberty Mutual, a top-rated carrier in the field that wants to help our members. Being an FOP member automatically entitles you to a discount on their regular rates. Call (888) 718-2146 to find out how they can help you with your auto, home, motorcycle, RV or renters insurance. This benefit is available to both active and retired members.

Identity protection is something that we in the law enforcement field know all too well — so are you protecting yourself and your family with LifeLock? We have arranged for our members to get 15% off the regular prices. Enrolling is easy and quick: Call (800) LIFELOCK and let them know you are an FOP member, or go to www.lifelock.com and use the code FOPWEB to get your discount. Protect yourself now so you can rest easy knowing that LifeLock has you covered. This benefit is available to both active and retired members.

What happens to your pension if you are permanently disabled because of a serious accident or illness and no longer can work? Guard your future with the Pension Protection Plan. This coverage will pay you a lump-sum benefit if you are permanently disabled for at least 12 consecutive months. Isn't your future worth it? Visit the FOP

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Renewing the Call to Protect Our Officers



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

“Every drop of blood spilled from our heroes in blue is a wound inflicted upon the whole country,” President Donald Trump said on May 15, 2017. “Words cannot express the depths of our gratitude, but I hope that our actions will show you how deeply we care and how strongly we feel about protecting those who protect us. America stands strong with our men and women in blue. Believe me, we stand strong together.”

Those are kind and memorable words spoken by the president during the FOP's National Peace Officers' Memorial Service. Sadly, words alone cannot reduce the

violence against police. We must — and will — do more.

As of February 21, 21 law enforcement officers had been killed in the line of duty this year.

Twenty-one already this year.

Of those 21 officers, 14 were killed by gunfire. By early February, a total of 33 officers had been shot in the line of duty so far this year. The 253 officers who were shot in the line of duty last year was an increase, not a decrease over the previous year. And we're on pace for another increase in 2018.

We all knew that this was a dangerous occupation when we signed up for it. We knew that sometimes officers are called to

make the ultimate sacrifice for their communities. What wasn't necessarily as clear was that we would face ambush-style attacks driven by politics and hatred. We didn't foresee officers being targeted while sitting in patrol cars, having a coffee break, or walking out of the back of the police station or barracks.

We understood the danger when responding to a call, but we didn't see the danger of just putting on the badge and walking out the front door.

These stories are tragic each and every time. We read the details shared with us

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IT'S SMART TO BE
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EVER APPROACH ON
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Forget that it puts more space between you and the driver, or that tactically it provides unobstructed access to your weapon. The safest aspect of a passenger-side approach is that almost every driver and even passenger will be looking for you to show up on the other side of their vehicle. Visit officersafetyfirst.com to learn more about this and other things you can do to be safer on the road, because one death or preventable injury is one officer too many.





What Drives School Violence

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

Any school in any town in America has one common denominator: It is a microcosm of its community. Incidents that occur in the community overnight are waiting at the schools' doorsteps the next morning. Community violence is a public health problem, yet the vast majority of resources are dedicated to the perpetrators and not the youth who are directly or indirectly affected. Compound this with 24/7 news and social media, and you have chronic internalization leading to anxiety and depression. School resource officer programs have done much to make schools safer, but there are complicated factors involved that are well beyond our control.

Times have radically changed, and our ability to address this increasing violence must radically change as well. When I was in high school in the late '70s there were conflicts, sure. For the most part, they were resolved at best nonviolently and at worst with a fistfight, but never with weapons. Today, whether it's spawned from violence portrayed in the movies, in videogames or on the streets, these minor squabbles have turned deadly.

The school shooting in Parkland, Florida, is a tragedy we have seen too many times before. This school year alone, there have been 18 school shootings in the U.S. and it's become the new normal for schools to prepare for gun violence. Each time there is an incident, the immediate response is to beef up school security, add metal detectors and cry for gun control.

Blaming guns for this violent trend is an ill-conceived knee-jerk reaction. The true causes are a perfect storm that has been brewing for years. Mental illness is certainly a factor, but research shows that gun violence would only decrease by about 4% even if mental illnesses were properly treated or cured. Conversely, research also shows that broken family units and parents failing to properly teach socialization during early childhood is producing kids struggling with peer relationships and communication, and the end result is severe social isolation and disconnection.

Furthermore, experts estimate that kids today who are allowed to play violent video-games have killed more than 100,000 people in the virtual world before they reach the age of 18. The repetitive mechanics of targeting and shooting someone with impunity is programming their brains. With each shot, they become more and more desensitized and less and less empathetic toward human life. Add to this the prevalence of social media, which has become the new playground for cyberbullies. Kids now have a 24/7 online platform to anonymously demean those they hold in contempt and find likeminded supporters encouraging viciousness. Sadly, parents find it easier to look the other way and are distracted by their own life dramas, further isolating these kids. And we scratch our heads wondering why there is an increase in school violence?

Perhaps our focus should be on these neglected and isolated kids who are seriously lacking in social skills. The process of socialization is how kids develop compassion, charity and self-control. Social skills and critical thinking are fundamental for problem-solving, conflict resolution, empathy and developing positive relationships. We are now witnessing what happens without it.

So, go ahead and jump on the bandwagon and blame guns. However, taking every single assault rifle off the streets will not address the root causes prompting students to murder students. **FOP**

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Our social media can be a great asset to this organization. We have grown it substantially, but we need your help to get to the next level. Thank you in advance for helping with this simple thing that can have such a huge impact.

Maintaining Your Lodge's Finances



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

For the past 18 years, I have had the honor and privilege of serving as your National treasurer. During this time, I have trained and worked with many local lodge and State Lodge treasurers, assisting them in the proper discharge of their duties. Recently, while teaching at our national Leadership Matters Seminar, I again stressed the importance of having proper accounting procedures in place for the handling of lodge finances. Having and following these procedures protects both your members' and your lodge's assets. Unfortunately, we still see cases where lodge funds are misused and, sadly, sometimes stolen.

The issue of how a lodge handles its finances is important no matter how large or

small the lodge is. I have assisted many lodges in setting up procedures to properly handle and account for lodge funds. I have also investigated many lodges, on behalf of the Grand Lodge, because of the misuse of lodge funds. Every lodge should have procedures in place for handling their finances, and every board member should be responsible for ensuring that these procedures are followed. In most cases of misuse of lodge funds that I have been asked to look at, there was no proper financial reporting to the members of the lodge, and if there were financial procedures, they were not being followed. The National FOP has a publication, "Corporate and Tax Affairs of a Lodge," that can help

you set up financial procedures for your lodge to follow. You will be able to download a copy of this guide after our new database is completed, but in the meantime, you can request a copy by emailing lapp@fop.net.

The following is a list of things your lodge should do:

1. Review your lodge's constitution and bylaws. It will probably contain procedures for the treasurer and other elected officers to follow when handling the lodge's funds. Most will require regular financial reports to the lodge membership.

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Know Your Garrity Rights

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

In 1967, the U.S. Supreme Court decided *Garrity v. New Jersey*. Since then, most, if not all, law enforcement officers have become aware of *Garrity*. But in this day and age, with what seem like constant allegations of uses of excessive force, I thought it would be a good idea to review the rights *Garrity* created for us when it comes to investigations of officers.

Garrity rights protect officers from being compelled to incriminate themselves during investigatory interviews conducted by their employers. This protection arises from the Fifth Amendment to the U.S. Constitution, which declares that the government cannot compel people to be a witness against themselves. For a public employee, the employer is the government itself.

In 1961, the New Jersey attorney general began investigating allegations that traffic tickets were being “fixed” in two townships. The investigation focused on Police Chief Edward Garrity and five other employees. When questioned,

each was warned that anything they said could be used against them in a criminal proceeding. They were also told that they could refuse to answer questions in order to avoid self-incrimination, but that if they refused to answer, they would be terminated. Rather than lose their jobs, they answered the questions, and their statements were then used to criminally convict them.

The U.S. Supreme Court then ruled in *Garrity v. New Jersey* that the employees’ statements, made under threat of termination, were compelled by the state in violation of the Fifth and 14th amendments. The court held that “the option to lose their means of livelihood or pay the penalty of self-incrimination is the antithesis of free choice to speak or to remain silent.” Because the employees’ statements were compelled, it was unconstitutional to use the statements in a criminal prosecution.

Unlike *Miranda* warnings, there is no uniform rule on whether employers

have an affirmative duty to notify officers of their *Garrity* rights. In federal employment, and in some states, the employer has the affirmative duty to inform the employee of their *Garrity* rights. Outside of federal employment, and in some states, public employers have no such obligation. In many jurisdictions, public employers have voluntarily adopted the practice of administering an advisement document prior to questioning.

The Supreme Court did not outline when *Garrity* rights can be triggered. But as soon as the employer orders the employee to answer questions and threatens them with severe discipline for refusing to answer, *Garrity* rights should apply. Keep in mind that in most jurisdictions, at no time does the employer have to say that *Garrity* applies. Similarly, the triggering of *Garrity* rights does not require the employee to “invoke” them. Once the employee is ordered to answer and threatened with termination for refusing to do so, immunity applies to statements made afterward. But it is best practice for an officer to declare that they do apply. This is one way that *Garrity* rights are different in application from *Miranda* rights. When an investigation is by an outside agency, *Garrity*, by definition, cannot apply since the outside agency is not the employer. But what an officer can invoke is their right not to give a statement. Then, if the employer threatens the officer with severe discipline or termination for refusal to answer questions from the outside agency, the officer is protected by *Garrity*.

I am including with this article a sample *Garrity* declaration statement commonly used by officers throughout the country. Please consult with your lodge attorney and leadership for the specific language they may want you to use. **FOP**

Garrity Rights Declaration

On [date], I, [officer’s name], was required by [employer] to answer questions under penalty of discharge if I refuse to do so.

I understand that I am required to answer any questions posed to me by [employer] or its agents as a condition of employment in view of possible job forfeiture. It is my belief and understanding that any information I provide to [employer] will be used solely and exclusively for internal purposes and will not be released to any other agency. It is further my belief that this information will not and cannot be used against me in any subsequent proceeding other than disciplinary proceedings.

For any and all purposes, I rely specifically upon the protection afforded me under the doctrine set forth in *Garrity v. New Jersey*, 385 U.S. 493 (1967), and *Spevack v. Kline*, 385 U.S. 511 (1967), should this report be used for any other purpose whatsoever.

Signed: _____ Date: _____

Witness: _____

Say What?



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

Best of wishes, brothers and sisters! I was rather overwhelmed by the responses I received about my last article, "You Are Not Alone." It confirmed my belief that we have many wounded warriors among our ranks. The mental scars and anguish that we carry are daily reminders that we are all much too human, absolutely destroying the perception that law enforcement officers are indestructible. And it's not all related to our profession. I have had interactions with LEOs who were suffering the misery of losing a loved one or maybe reliving an abuse from their childhood. Or perhaps, anguish and depression were

brought about by witnessing a tragedy of another and feeling inadequately prepared to render assistance. Add these everyday stressors to a career in law enforcement, and many of us gain the sense of helplessness and hopelessness.

If you talk to anyone in the crisis intervention field (many fellow LEOs), they will tell you that helplessness and hopelessness are the key ingredients to suicidal ideation in law enforcement. **Say what?!** Did I just mention suicide and law enforcement in the same sentence? Did I just put in print our profession's hidden secret? Yes, I guess I did, but in reality, suicide in law enforcement is being

discussed more and more in an open forum. We are human, and therefore we are as susceptible, if not more so, to triggers that bring about thoughts of suicide.

There is no way I could use this forum to educate you on all the warning signs of suicide. However, there are certain indicators that we can all recognize. The closer you are to a person, the more pronounced these indicators will appear. Some common indicators are giving prized possessions away, getting one's affairs in order, visiting people in a systematic fashion as a way of saying

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The Future Leaders of FOP

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

Greetings, brothers and sisters! As I write this, we are finishing up another great session of Leadership Matters in Nashville, Tennessee, home of the National FOP headquarters. This seminar had the highest attendance yet, with over 300 up-and-coming FOP leaders from all over the country. Our office staff, instructors and Brother O.B. Atkinson did an incredible job bringing it all together. Thank you!

One of the best things we do on the last day of the seminar is a roundtable discussion in which the younger generation of FOP leaders — the leaders of tomorrow — get to share what they believe we are doing right and what we can improve upon in our Order. Our group this year was awesome and provided some great insight to the Executive Board and all lodge leadership on how we can continue to successfully recruit and retain younger members in our organization. There were tons of great suggestions from them, but the following rang loud and clear.

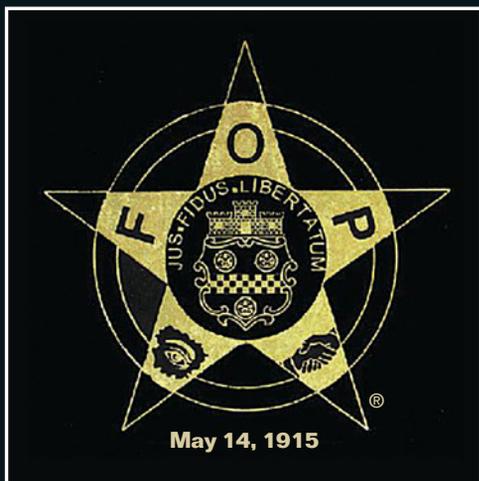
- Continue to build and utilize social media platforms to communicate with your membership. Our younger members engage with social media more than email or other types of communication.
- Leaders transitioning out of office should coach, mentor and train the new incoming leadership. Don't assume that they know what to do. We heard time and time again how many of our younger leaders felt lost when they took over.



- Our younger members want to see, meet and interact with their state and national leadership. This one surprised me a bit. I didn't think this would be as important to our younger members as it is. We as leaders must be present to lead, and our younger members want us there to do so!
- All new or aspiring lodge leaders **must** attend Leadership Matters. I couldn't begin to count how many times I heard this throughout the week. If at all possible, try to get your lodge's new officers of all levels and positions to this training. Not only are the classes top-notch, but the networking is invaluable, especially for our younger members.

It would be foolhardy not to listen to this feedback from our young members and future leaders. I ask each of you to embrace these points in your lodges as we continually strive to pave the way to a better and brighter future for the Order. I look forward to sharing in building that future with all of you — **together! FOP**

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PRESIDENT'S MESSAGE

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These benefits are for you and your family. Protect yourself now. **FOP**

VICE PRESIDENT'S MESSAGE

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on social media and via email. We feel sorrow for the families, and we donate to funds set up to help them. We discuss changes that need to be made in the laws to make us safer or to enhance benefits for the survivors.

And we also go in to work the next day. We still suit up with our vests and badges and go out to protect our communities. We're never swayed from our mission of standing up for the innocent, protecting the weak and defending the vulnerable. Because we are cops, and that is what we have been called to do.

Words are important. We must make sure people know that our one and only goal is to protect our communities. And we must never forget those who make the ultimate sacrifice.

But we must have action. That's why the FOP has renewed its call to define the murder of a law enforcement officer — simply killing someone for wearing the uniform — as a hate crime.

You can help! Call your representatives and senators in Congress (you can find their information at www.house.gov/htbin/findrep and www.senate.gov/general/contact_information/senators_cfm.cfm). This simple outreach can make a positive impact. It'll help us as we

continue our quest to keep each and every police officer safe on the job.

As always, please be safe. Wear your vest, wear your seat belt, remember your training and watch out for one another! **FOP**

TREASURER'S MESSAGE

Continued from page 9 >

2. Be incorporated as a nonprofit 501(c)(8) organization.
3. Have a federal Employer Identification Number (EIN).
4. File a Form 990 with the IRS every year.
5. Have a budget passed by the board every year.
6. Have a voucher procedure for lodge expenses. A voucher is simply a form authorizing the treasurer to pay an expense, and it should be filled out and approved by an authorized board member on all expenses before payment is made. You should require that receipts be submitted with all vouchers. I have a voucher in Microsoft Word format that you can modify and use for your lodge. Email me at tomfop@aol.com for a copy.
7. Provide monthly or quarterly financial reports to the board and membership.
8. The monthly bank statement with the canceled checks should be sent to the person who balances the account. It is recommended that you also have a copy of the statement sent to your accountant or someone on the board of directors.
9. Have a record retention policy.
10. Maintain your records. It is extremely important that you maintain good record-keeping procedures. Your lodge members, lodge accountant, lodge attorney or the IRS may need to review some of these records.
11. We highly recommend the computerization of financial records. The Grand Lodge uses QuickBooks.

I encourage you to make sure that your lodge has proper financial procedures in place and that the lodge officers follow those procedures. Please contact me if I can be of assistance to you. I have been a State and Grand Lodge treasurer for over 29 years, so I have a lot of experience that

I can share with you, and I plan on helping our members for many years to come. **FOP**

SERGEANT AT ARMS' MESSAGE

Continued from page 11 >

goodbye, using phrases such as "When I'm gone," or actually saying "I'm thinking of killing myself" or "I'm going to kill myself." Unusual risk-taking and withdrawal from activities that were once found enjoyable are additional indicators. You don't have to be a clinical psychologist or psychiatrist to recognize warning signs. However, once identified, your brothers or sisters demonstrating these traits do need professional help.

So, what does one do when such observations are made? Many people believe that if a person with suicidal thoughts is actually confronted, they are more likely to advance the act. That is a total misconception. Clearly asking someone, "Are you thinking of killing yourself?" will in no way push them over the edge. On the contrary, many people considering the act will admit it to someone who shows genuine concern for their welfare. By their very actions, a person in crisis is demonstrating a plea for help. They feel that they are in a place of no escape — a deep, dark tunnel with no way out. You can be their guiding light by simply being brave enough to ask that very difficult but necessary question.

I would suggest that every lodge have a list of clinical psychologists who understand the law enforcement dilemma of treatment and an officer's ability to carry a weapon. They are out there and will make every effort to avoid in-patient care. With HIPAA laws being what they are, a carefully managed regimen of treatment can safeguard an officer's career and effectively bring them back to a place of productivity. Having these safeguards in place will allow you to convince a brother or sister that they need such professional help.

None of us is alone in the FOP. Dare to ask the difficult questions of a brother or sister in crisis. You could very well be as responsible for saving their life as you would be if you provided covering fire in a firefight or applied a tourniquet to a severe wound they sustained. And in the end, they will be just as grateful for your daring act of heroism. **FOP**



DOUBLE DUTY

Law Enforcement Officers and Military Reservists

Leveraging military members' unique experience and education in both occupations can improve learning opportunities across agencies.

By Michael B. Fortney, Ph.D.

Rarely have there been two professions as complementary as the military and law enforcement. While there could be endless discussions about the differences between these occupations, their many corresponding characteristics include both tangible and intangible qualities, especially in the realms of training, education and joint operations. These facts are especially true when individuals serve in both occupations simultaneously and can utilize their abilities in both capacities. Whether in operations or administration, the experience and education they possess is invaluable and should serve as a force multiplier for both organizations — if the organizations can recognize and capitalize on these skill sets.

Training

What agency doesn't like free training or someone who has already been trained? In a time when budgets are being decreased, the training line item is normally one of the first areas to suffer. The effects of these budget cuts will be felt in a failure to recruit and retain quality personnel, deteriorating equipment and many other problems. Administrators are all too familiar with these challenges. For these reasons, state legislation and departmental policies need to be developed to recognize applicable training received during military service. While some law enforcement agencies do recognize similar training from military personnel, not all agencies do.

In 2009, the International Association of Chiefs of Police worked with the United States Department of Justice's Bureau of Justice Assistance to enhance understanding of the recent experiences of combat veterans as they transitioned into the law enforcement profession. The results of this research were published in a document titled "Employing Returning Combat Veterans as Law Enforcement Officers" (www.theiacp.org/Civilian-Law-Enforcement-Military-Cooperation-Committee-CLEMCC), which listed some intangible qualities that law enforcement administrators identified as making military personnel ideal law enforcement candidates. These include:

- + Physical abilities/conditioning
- + Firearms training
- + Leadership experience
- + Combat experience
- + Respect for discipline and authority
- + Experience working with/in culturally/ethnically diverse groups

While it is true that most military personnel have received extensive training and have some experience in these areas, the need for constant and enhanced education is vital to remaining relevant in both professions. Too often military personnel can become myopic with their experience and revert back to phrases such as "This is the way we did things in my military unit..." While there are mutual processes that both professions utilize, military personnel need to ensure that they effectively translate their experience into the law enforcement realm.

Education

One way to help bridge the knowledge gap between law enforcement and the military professions is through education. This can be accomplished through formal academic institutions or joint academies that are open to both professions. While some training is not recognized between the professions, a formal education through an accredited institution is almost always beneficial and recognized by all.

Historically, law enforcement was not considered a true profession, so to speak, because there were no educational requirements. In turn, those who served in law enforcement were never viewed as well-educated. While there is not an educational requirement across all organizations for hiring or retention, law enforcement officers have evolved to become more educated than ever before. One can find officers throughout the ranks who hold various college degrees in business, psychology, sociology and law. Some agencies assist their officers with advancing their education, while others are not financially able to. Military service members, especially commissioned officers, hold advanced and terminal degrees. If a law enforcement agency wants formally educated officers, commissioned military officers fulfill that need at no extra cost to the agency.

When it comes to joint educational opportunities, one of the premier educational opportunities for law enforcement and military professionals to take advantage of is the Federal Bureau of Investigations National Academy. This is a highly selective course that invites national and international law enforcement and military personnel for education in leadership, law, behavioral science, etc. It is an invaluable environment where personnel from both professions can share experiences and learn



DUAL ASSET

FOP member Adam Rosenberg (Connecticut Lodge #33), a lieutenant with the Navy Reserves and a trooper first class/detective with the Connecticut State Police, says that having both military and law enforcement experience has significantly enhanced his leadership skills

and expanded his professional network.

"My experience in the state police taught me about operational security, terrorism, human trafficking, intelligence and counterintelligence methodologies, among other topics," he explains. "After receiving my commission in the Navy, I realized the experiences and education in my law enforcement career were of similar concern to the military. Both agencies are working toward the same objectives and I didn't realize it. These topics are not mutually exclusive to one profession, so I became more of an asset to the military already understanding the application of these principles in the real world.

"Likewise, after I was in the military for a while I started to realize how many law enforcement officers were also in the military," Rosenberg continues. "This fact alone exponentially broadened my professional and personal networking capabilities. I made friends who I can immediately call and get their assistance on a case. Additionally, my experiences in leadership positions and additional education has made me a more valuable asset to my civilian employer."

from each other through an extensive network of professional and personal relationships. This educational opportunity also extends into the classrooms of local schools and adjunct professors at universities, some of whom may even have retired from the military and law enforcement to teach full time. Who better to return to the classroom to teach and share their real-world experiences with students than those who have lived both lives? Not too bad of a recruitment and retention tool, huh?

Experience

Although education is great and beneficial in various applications, experience is one variable that really stands out. Where a person has been, what have they accomplished in their career, what value to they bring to the table, and whether their experience is applicable are all valid questions. The term "experience" can be vague, so we will examine this topic from three perspectives: the strategic, operational, and tactical levels of unilateral and joint operations.

Strategically, the experiences of military personnel need to be recognized and utilized for the long- and short-term planning

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of law enforcement agencies. For example, an agency may need immediate or long-term assistance in leadership positions, policy development or other specialty areas. Military reservists have normally been in leadership positions numerous times and bring a breadth and depth to the task.

Operationally, when functioning in a joint environment during natural disasters, civil unrest and drug eradication, it is essential to have interagency collaboration, coordinate assets, and ensure that goals and objectives are met. A military reservist in your agency may have insight into the way state and federal assets can be used to help law enforcement meet their goals. Making personal connections between agencies and understanding the vernacular that can facilitate these operations is crucial to expediting progress. Working together can readily identify strengths and weaknesses in each agency and determine the best way to acquire and allocate resources where needed.

Finally, the tactical level is where all the strategic planning and operational coordination pay off. It is one thing to plan and discuss how operations will be carried out; it is entirely another thing to make it happen. Experience is key to ensuring that the strategy is implemented successfully.

Those who serve, or have served, in the law enforcement and military professions are unique. These occupations require lengthy and arduous training consisting of physical, academic, psychological and practical application of those skills on a routine basis. These professions are so similar and have such strong brotherhoods that we often forget how we should focus more on our similarities than our differences. These similarities are especially evident when dealing with basic training, continuing education, grants, interagency academies, etc. Therefore, we must diligently work toward developing programs and relationships that could culminate in a significant advantage for everyone involved.

Dr. Michael B. Fortney has been with the FBI for over 20 years, working as a police officer and then in the intelligence and

CROSS-TRAINED

FOP member David Wolford (West Virginia Lodge #69), a major serving in the West Virginia National Guard as the State Antiterrorism and Force Protection officer who is also a sergeant with the Fairmont Police Department, describes his experiences: "Over the years the military has worked closely with county and state law enforcement agencies throughout West Virginia during annual civil security drills. The training has always been productive and beneficial to all levels of participating agencies. However, there is always the need to continuously train because of constant changes and challenges that face every jurisdiction. Having nearly 40 years of combined military and law enforcement experience, I've used my experience and education in the military to gain a better understanding of all levels of both agencies."



biometric fields. His military experience includes 10 years as an enlisted infantry Marine and a naval intelligence officer. He has also served as an adjunct lecturer at West Virginia University. Dr. Fortney holds a bachelor's degree in criminal justice, a master's in business administration and a Ph.D. in psychology, and graduated from the 222nd class of the FBI National Academy. He is a member of the Fraternal Order of Police, the FBI National Academy Associates and the American Psychological Association. FOP

FOLLOW THE MONEY

Got a knack for numbers?

A degree in forensic accounting or fraud investigation might be the perfect addition to your skill set.

Figuring out how criminals conduct business is a key part of investigations. Tracking down identity thieves, money launderers, organized crime groups and many other offenders requires detectives to trace transactions and decipher the intricacies of finance. However, more than half of the law enforcement agencies surveyed by PricewaterhouseCoopers in 2016 stated that they lacked the personnel with the appropriate skills to investigate and prosecute economic crimes.

Therefore, officers who combine accounting expertise with their policing and investigative experience can multiply their professional opportunities with local departments, state and federal agencies, and even in the private insurance and financial sectors as fraud investigators. “From the law enforcement side, you have already built skills in investigation with people and understand what courts are looking for,” says FOP member Jesse Gossman, a detective in the Fort Lauderdale Police Department economic crimes unit who earned a master’s degree in accounting from Florida Atlantic University in 2017. “That really helps when investigating fraud. It’s not just about numbers; you have to interview people and be able to read them.”

For knowledge that can earn career dividends, check out these higher-education programs.

UTICA COLLEGE

www.utica.edu

Degree: Bachelor of Science in Fraud and Financial Crime Investigation
Course sampling: Economic Crime Theory; Corruption and Organized Crime
Key components: Utica is one of the first universities in the nation to offer a full undergraduate degree in fraud and financial crime investigations (FCCI). The program’s interdisciplinary structure combines criminal investigation, accounting and computer skills. Participants can select between fraud prevention and detection or financial investigation concentrations.

Faculty insight: “[This] program is one of the few criminal justice-oriented programs that is designed to equip graduates with the skills to investigate criminal and civil offenses in the area of ‘white collar’ crime in both public and private sectors.” — Don Rebovich, Ph.D., coordinator, FCCI Programs

UPPER IOWA UNIVERSITY

www.uiu.edu

Degree: Bachelor of Science in Accounting

Course sampling: Federal Taxation; Auditing

Key components: Before you can chip away at the financial details of a case, you first have to understand the language and systems standard to the accounting profession and financial institutions. That’s the focus of an accounting major at Upper Iowa University. Classes are available at the Fayette campus and select education centers, as well as online and through a self-paced degree option.

Faculty insight: “Law enforcement professionals add value to the classes because they have the real-world experience that serves as a teaching lesson to us all. They have seen and dealt with the issues that forensic accountants evaluate and investigate in the business world.” — Dana Leland, Ph.D., adjunct instructor



FLORIDA ATLANTIC UNIVERSITY

www.fau.edu

Degree: Executive Master of Accounting with Concentration in Forensic Accounting

Course sampling: Interviewing for Forensic Accountants and Auditors; Advanced Accounting Information Systems

Key components: In this two-year online program, field-experienced faculty delve into fraud, litigation support, money laundering investigation and expert testimony. Applicants must hold a bachelor's degree, but 10% of current students are CPAs.

Faculty insight: "I use case studies I actually worked on. I have them look at what the accounting produced and violated, and then look at the external controls and analyze what the people involved believed." — Jay Leiner, CFE, Ph.D., professor and FOP member (Florida Lodge #32)

WEBSTER UNIVERSITY

www.webster.edu

Degree: Master's in Forensic Accounting

Course sampling: Legal Procedure, Substantive Law and Professional Ethics in Forensic Accounting; Special Topics in Litigation Accounting

Key components: The program consists primarily of evening classes at Webster's St. Louis campus. Coursework covers many of the legal elements of forensic accounting, including procedures and analytics, in addition to functional aspects, such as auditing and valuation.

Faculty insight: "This is a comprehensive program. Part of the program is to apply forensic practices, not just going over accounting theory." — Rich Dippel, JD, MBA, CPA, Business Department chair and associate professor



FOP MEMBER INSIGHT

"Shortly after I started the program, I transferred to the economic crimes unit. A lot of what I learned in school has really helped me in my current role. I have a much deeper understanding. Also, it adds a lot of credibility when I'm speaking with a CEO, CFO or CPA because I have the background and know the lingo."

— Florida Lodge #31 member Detective Jesse Gossman, Fort Lauderdale P.D., 2017 FAU graduate

TIFFIN UNIVERSITY

www.tiffin.edu

Degree: Bachelor in Accounting or Criminal Justice with Forensic Accounting Minor

Course sampling: Analysis of the Accounting Process; Accounting Information Systems

Key components: In this cross-functional minor for both accounting and criminal justice majors, accounting students examine legal and investigative



procedures, while criminal justice students gain a better understanding of transactional practices. As a criminal justice instructor and detective sergeant with the Seneca County Sheriff's Department, FOP member Donald Joseph is a regular guest speaker in classes. "I explain how to do a timeline presentation to prosecutors. I also show what documents are needed and how search warrants are utilized," he says. **Faculty insight:** "The goal is for more people to get into investigative-related areas with financial fraud." — Rhonda Gilreath, assistant professor of accounting **FOP**

For more forensic accounting programs and FOP member insights, visit fopconnect.com/education-connect.



SPRINGTIME STAPLES

Gear up for the new season with lightweight apparel and accessories optimized for warmer temperatures.

Make the transition from frigid winter temperatures to the sunny and unpredictable rainy days of spring easy with these tactical and duty apparel options. From gloves to boots, these versatile picks are designed with special lightweight materials and fabrics for maximum breathability, yet are still durable enough to provide the protection you need while out in the field.

5.11 TACTICAL



Apex Short

COMFORT AND DURABILITY

Ideal for tactical, casual or covert wear, 5.11 Tactical's Apex short is suited to warmer days on duty. Both durable and comfortable, the short is composed of the same 6.4 oz. Flex-Tac mechanical stretch Teflon-treated canvas as its pant counterpart. It also delivers similar functional details, but in a smaller package. There's ample pocket space and plenty of holders designed for magazines, knives, handcuff keys and other gear. Available in black, TDU green, dark navy, battle brown and khaki. Sizes 28–44. MSRP \$69.99.

BLACKHAWK!

Fury Prime Glove

HELPING HANDS

Combining protection and performance, the Fury Prime glove by Blackhawk! is a lightweight and durable option for days when added support is needed for more hands-on duty. The glove is composed of durable synthetic materials, featuring sonic-welded TPR overlay for top-of-hand protection, padding on the thumb and palm to protect against unexpected impact and a silicon grip print on the palm for dexterity. Despite its aggressive and rugged exterior, the glove fits comfortably, like a second skin, and is equipped with touchscreen-compatible fingertips so you can use your cellphone or tablet without having to remove your glove. Available in black, coyote tan and urban gray. Sizes S–XL. MSRP \$38.95.

HAIX

Black Eagle Athletic 2.0 T

BUILT FOR SPEED

Being out on patrol is unpredictable. You could be walking your beat one minute and then pursuing a suspect in the next. That's why it's important to have reliable, non-bulky footwear suited for any situation. Haix had this in mind when it created its Black Eagle Athletic 2.0 T, a high, side-zip boot that combines the look and feel of a tactical boot with the technology of a running shoe. The result is a highly breathable boot featuring a durable, shock-absorbing heel with built-in support and a special rubber tread design with slip-resistant soles, meaning that you can go from a stroll to a sprint comfortably, without losing your footing. The boot also includes Haix's Climate System, which keeps feet cool indoors and out. MSRP \$169.



**WIN
IT!**

TRU-SPEC

24-7 Series Responder Shirt

WIN IT!

KEEPING COOL

New to Tru-Spec's popular 24-7 Series is the Responder Shirt. Long-sleeved and lightweight, it's constructed of patented drirelease fabric designed to regulate skin temperature, keep the body cool and wick sweat when temperatures rise. The polyester-cotton blend is treated with FreshGuard, a built-in natural odor neutralizer system that prevents bacteria growth and keeps you feeling fresh after long days in the field. Other functional details include durable rip-stop sleeves and yoke for abrasion resistance; vertical, inward-facing zippered pockets on the upper sleeves; and adjustable hook and loop cuffs. The shirt pairs perfectly with the brand's 24-7 Xpedition pants. Available in black, navy and ranger green. XS-5XL. MSRP \$73.95.



GALLS

Flying Cross AeroShell External Armor Cover

WIN IT!

SEAMLESS PROTECTION

Sold by tactical gear and uniform distributor Galls, the AeroShell External Armor Cover vest provides superior ballistic protection without compromising the professional look of a uniform. Unlike bulky bulletproof vests of yesteryear, the AeroShell sits on top of the uniform, rather than underneath. The slim, innovative design features an adjustable side panel made of shell fabric with easy access Velcro and zipper closures for a comfortable and secure fit, in addition to a wide neck opening so it's easy to put on and take off. A special Shift-Loc strap system holds the armor panel securely for minimal movement and shifting. For added convenience, the vest has a hidden MAP pocket feature to house documents and room for wire communications pass through. Available in black, navy, tan and white, with military creases optional, in short to extra-long styles. XS-4XL. MSRP \$117.90. **FOP**



REEBOK AND WARSON BRANDS

Sublite Cushion Tactical RB8808

MILITARY-GRADE FOOTWEAR

Building on the success of the Reebok Sublite Cushion Tactical series, licensed by Warson Brands, this season the company is introducing its lightweight cushioning technology to military footwear. The new RB8808 tactical boot is available in a coyote brown colorway that meets the Army's regulations on the wear and appearance of uniforms (AR670-1). Expect the same lightweight and comfortable wear as in previous versions of the boot, made possible by a Sublite foam midsole and MemoryTech massage footbed, but with upgrades. The RB8808 was built with soldiers in mind and features an added lace garage to tuck away laces when blousing pants, a full rubber outsole with rope guard for traction and durability, and an upper made of cattle hide leather for breathability. MSRP \$150.



Enter for a chance to **WIN!**
See page 3 for more info.

READY TO ROLL

BEFORE HITTING THE
STREETS, MAKE SURE
YOUR VEHICLES ARE
DECKED OUT WITH
THE LATEST GEAR.

When you spend the majority of a shift patrolling the streets or chasing down leads and witnesses, your vehicle becomes more than just a mode of transportation — it's an extension of your office, and needs to be equipped with all the tools necessary to carry out police work. There should not only be room for a laptop, but also a way to properly secure it to prevent damage if you need to engage in high-speed maneuvers. Additional lights help illuminate scenes. Vehicles also turn into functional barriers during active-shooter incidents, so the car's body needs ballistic reinforcement to provide protection. Even K-9s need vehicles to be modified so they too can remain safe on the job. Here are just a few of the latest equipment and accessory options to modify vehicles for law enforcement duty.

FLIR

PathFindIR II



NIGHTTIME DETECTION

You can't avoid obstacles in the roadway if you can't see them, especially in the dark of night. FLIR's updated PathFindIR II utilizes thermal imaging to detect and reveal cloaked objects four times faster than standard automobile

headlights. Through a partnership with Autoliv, this newest model has

incorporated a nighttime pedestrian detection feature that can be used to automatically display alarms when it senses a person in or near the vehicle's path. MSRP starts at \$2,495.

GAMBLER- JOHNSON

Ford PI Utility Short Console Box Kit

SPACE SAVER

Squad cars house a variety of gear that needs to be within reach, which can make for a crowded interior. Making space is the purpose of Gamber-Johnson's Ford PI Utility Short Console Box Kit. Mount a computer to the top and offset the position to allow for a convenient and comfortable posture. USB and MP3 knockouts are located on the passenger side, along with four 12-volt knockouts. A low-profile section holds radio control heads and small devices while a vertical angled section can contain full-sized radios. It even comes with a cup and pen holder. MSRP \$969.



FEDERAL SIGNAL

XStream I

LIGHT SHOW

Versatility can be a key strategic advantage, such as when an unmarked car suddenly needs to notify others of its presence. XStream I is an interior mounting warning light by Federal Signal and can be placed according to driver preferences, including the dash, headliner or as a window mount. It's available as a single or dual-head model, each equipped with a light head, two suction cups, bail and pivot brackets, and mounting hardware. XStream I also features Federal Signal's



Solaris LED reflector and SpectraLux multicolor LED technology.

Additionally, operators can choose from 25 flash patterns. MSRP unavailable.

PELICAN PRODUCTS INC.

Pelican Air Case

STASH & CARRY

Sturdy doesn't have to mean heavy. Released this past summer, the Pelican Air Case line is 40% lighter than its predecessors. Molded out of lightweight, next-generation HPX resin, these protective cases can hold a cadre of items of varying weights and sizes. Choose from nine travel-ready sizes, or customize it to fit your needs. Use the versatile TrekPak Divider system of waterproof, closed-cell-foam-laminated corrugated panels to create compartments. Or add Classic Pick N' Pluck Foam to cushion gear. The cases have been roll-tested over 900 meters, and are crush- and dust-proof. MSRP \$216.02–\$367.28.



HAVIS PRODUCTS

Vehicle Specific Console With Internal Printer Mount

MOUNTED FOR DUTY

Law enforcement vehicles pull double duty as mobile computer stations. The Havis Products Vehicle Specific Console With Internal Printer Mount keeps laptops secured under a variety of driving conditions and situations. Designed for either the



2015–2018 Chevrolet Tahoe Police Pursuit Vehicle or the 2015–2018 Chevrolet Suburban, the single-piece console measures 13 inches wide and accepts standard Brother PocketJet 6 and 7 printers. Two 12-volt sockets with wire and fuse are mounted to the front top panel. The console also includes an internal front electrical equipment mounting shelf. If necessary, the shelf's side trim panels can be removed to allow additional access. MSRP \$555.11.

WHELEN

Pioneer LiFe 28

LIGHT TO GO



With 2,800 lumens, the new Whelen Pioneer LiFe 28 super-LED portable area light can brighten the darkest environments. Operators can alternate between the floodlight lens or the 8-degree TIR spotlight. An adjustable ratcheting mechanism allows users to create a 180-degree range. The built-in lithium ion phosphate battery engages

LiFePO₄ technology, and has been shown to produce more than two hours at full intensity and up to five hours in battery saver mode. According to tests, the battery reaches full charge in three to four hours and is rated for more than 2,000 charging cycles. MSRP \$1,225. **FOP**

For more ways
to equip your
vehicle, visit





The Collective Bargaining Bill Is Back!

At this writing, the Second Session of the 115th Congress is only a few weeks old. Failure to pass legislation to fund the operations of the federal government triggered a three-day partial shutdown before Congress enacted yet another short-term funding bill. It is unclear what the next few weeks will bring, but we have positive news: The FOP, working with our friends in the International Association of Fire Fighters, has reintroduced the Public Safety Employer-Employee Cooperation Act!

H.R. 4846, the Public Safety Employer-Employee Cooperation Act

Public safety employees — police officers and firefighters — are virtually the only class of workers left in the nation today who are denied the fundamental right to bargain collectively with their employers over wages, hours and working conditions. It's been nearly a decade since this bill was active on Capitol Hill. Shifts in the political climate in Washington and in our states, where established collective bargaining rights have been under attack in recent years, had forced us on the defensive. With the introduction of this bill in the House, the FOP is going back on offense.

The legislation would require that states “substantially provide” for the following rights and responsibilities:

- The right to form and join a labor organization that serves as, or seeks to serve as, the exclusive bargaining representative for non-management and non-supervisory public safety employees
- A requirement that the public safety employer recognize the employees' labor organization and agree to bargaining
- The right to bargain over hours, wages, and the terms and conditions of employment

Just the Facts:

» The FOP is pleased to announce that the Public Safety Employer-Employee Cooperation Act, which would require states to provide for fundamental collective bargaining rights, has been reintroduced in the House. Members are encouraged to ask their representatives to co-sponsor the bill. In other good news, four bills from the FOP's legislative agenda were signed into law within the past several months, bringing the number of FOP-supported bills enacted in the First Session to a total of seven.

- The availability of a binding interest arbitration as a mechanism to resolve an impasse in collective bargaining negotiations
- A requirement of enforcement of “all rights, responsibilities, and protections” provided by the bill, including any written contract or memorandum of understanding through a state administrative agency or court of competent jurisdiction
- Determine the appropriateness of units for labor organization representation
- Supervise and conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit
- Resolve issues relating to the duty to bargain in good faith
- Conduct hearings and resolve complaints of unfair labor practices

In determining whether or not a state “substantially provides” for these rights and responsibilities, the Federal Labor Relations Authority (FLRA) is required to consider the opinions of the affected employers, employees and labor organizations. If an employer and an affected labor organization jointly agree that the current state law “substantially provides” for these rights and responsibilities, the FLRA will give this agreement “weight to the maximum extent practicable” in making its determination.

If the FLRA determines that a state does not “substantially provide” for the rights and responsibilities enumerated above, then a state has two years (from the date of the law's enactment or “date of the end of the first regular session of the legislature of that state that begins after the date of the enactment of this Act”), or the FLRA will issue regulations that will provide for the aforementioned rights and responsibilities. These regulations will enable the FLRA to:

Top Priorities in Brief

H.R. 1205/S. 915, the Social Security Fairness Act

House: 169 co-sponsors

Senate: 17 co-sponsors

H.R. 964/S. 424, the Law Enforcement Officers' Equity Act

House: 32 co-sponsors

Senate: 5 co-sponsors

H.R. 4846, the Public Safety Employer-Employee Cooperation Act

House: 1 co-sponsor

- Resolve exceptions to the awards of arbitrators
- Protect the right of each employee to form, join or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right
- Take other actions as necessary to appropriately and fairly administer the Public Safety Employer-Employee Cooperation Act, including the authority to issue subpoenas, taking depositions, administering oaths, ordering written interrogatories, and receiving and examining witnesses

The bill specifically prohibits strikes and lockouts.

The bill would not preempt any law of any state or political subdivision of any state or jurisdiction that substantially provides greater or comparable rights and responsibilities as described above, or prevent a state from enforcing a state law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment (i.e., "right to work").

The bill would also not preempt any state law in effect on the date of enactment.

- Such state law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved.
- Such state law excludes from its coverage employees of a state militia or National Guard.
- Such state law does not require bargaining with respect to pension and retirement benefits.
- Such rights and responsibilities have not been extended to other categories of employees covered by this legislation, in which case the FLRA shall only exercise the authority granted it by this bill with respect to those categories of employees who have not been afforded the aforementioned rights and responsibilities.
- Such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

A state may exempt from its law, or from the requirements established by this bill, a political subdivision of the state that has a population of less than 5,000 or that employs fewer than 25 full-time employees.

Contact your representative and ask them to co-sponsor H.R. 4846!

FOP-Backed Bills Now Law

We're pleased to report that the FOP's legislative agenda resulted in a total of seven bills that were signed into law in the First Session. This is a tremendously successful record, especially given the political tumult on Capitol Hill. Since the last *Journal* article, the following bills were enacted into law:

- H.R. 1616/S. 904, the Strengthening State and Local Cyber Crime Fighting Act, which authorizes the National Computer Forensics Institute to provide assistance and training to local and state law enforcement agencies investigating and prosecuting cybercrimes
- H.R. 1846/S. 782, the Providing Resources, Officers, and Technology

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For Those Who Wear a Badge to Protect and Serve Our Country

.22 S/L/LR

**THE GOLDEN BOY
LAW ENFORCEMENT
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WASHINGTON REPORT

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to Eradicate Cyber Threats to (PROTECT) Our Children Act, which reauthorizes the Internet Crimes Against Children (ICAC) Task Forces

- H.R. 2142/S. 708, the International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology (INTERDICT) Act, which provides U.S. Customs and Border Protection (CBP) with additional portable chemical screening devices at ports of entry, mail and express consignment facilities, and more resources at the CBP labs
- H.R. 2228/S. 867, the Law Enforcement Mental Health and Wellness Act, which directs the U.S. Attorney General to work with the U.S. Departments of Defense and Veterans Affairs to identify and collect information on existing mental services provided to our nation's veterans and federal employees, and seek to create model policies and best practices for local and state agencies to design their own mental health and wellness programs

In addition, the FOP is awaiting final House action on H.R. 1892, the Honoring Hometown Heroes Act, which would amend the U.S. flag code to allow state governors to order that the U.S. flag be flown at half-staff in the event of a line-of-duty death of a law enforcement or other public safety officer. The legislation passed the House in May and was amended and passed the Senate in late November. We expect the bill to be considered on the House floor very soon.

The FOP continues to work with our allies on Capitol Hill to develop legislation making the deliberate targeting of law enforcement officers a federal crime.

FOP Wins "Round One" in Fight to Preserve Funding for COPS Office

While the appropriations process has broken down for this fiscal year, the FOP won a key victory in September on H.R. 3354, an omnibus spending bill passed by the House.

The FOP strongly supported H. Amdt. 109A, offered by Representatives William J. Pascrell Jr. (D-N.J.) and David G. Reichert (R-Wash.), the co-chairs of the House Law Enforcement Caucus, which added \$100 million to the hiring program

administered by the Office of Community Oriented Policing Services (COPS) at the U.S. Department of Justice. It was adopted by voice vote.

This was a key victory, as the hiring program was zeroed out and eliminated in the version of the bill reported by the Committee on Appropriations. The fact that the House unanimously rejected eliminating this program is heartening, but we strongly believe there will be a concerted effort to reduce the funding and grant authority of the COPS Office as Congress crafts legislation for this and the next fiscal year. The FOP is monitoring Congress and is actively working with our allies on Capitol Hill and in the administration to preserve this critical program.

Support the PAC!

The National Fraternal Order of Police Political Action Committee (NFOP PAC) is an essential part of our National Legislative Program. The NFOP PAC is a very effective way to represent our members on Capitol Hill by supporting candidates who support us and the profession of law enforcement. As the FOP is the oldest and largest law enforcement organization in the country, it is crucial that we keep our PAC strong.

We challenge each FOP member in your lodge to make a one-time \$5 donation, or like many others, to become a monthly contributor for any amount. These contributions will help grow our PAC and amplify our voice in the legislative process.

We also want to increase participation in our payroll deduction program. Participating in such a program allows for swift and effortless growth of our PAC and ensures that our political arsenal is ready to go year-round. By opting to participate in the NFOP PAC by becoming a monthly contributor or enrolling your lodge in the payroll deduction program, you are standing up for all of your brothers and sisters in the FOP.

To donate or learn more about our participating in the NFOP PAC, contact Scott Marks at scott.marks@fop.net or call the National Legislative Office in Washington, D.C.

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Sign up today for the latest news from Capitol Hill: <https://twitter.com/GLFOP>. **FOP**

// **FOR MORE INFORMATION**, please contact the National Legislative Office at (202) 547-8189.



U.S. Supreme Court to Hear Challenge to Scope of Police Officers' Fifth Amendment Rights

Does the Fifth Amendment privilege against self-incrimination apply to the prosecution's use of compelled statements in probable cause hearings, even if those statements are not used at criminal trial? That is the issue before the Supreme Court in *City of Hays, Kansas v. Vogt*, which the court agreed to hear on September 28, 2017.

Previously, in the 1967 case *Garrity v. New Jersey*, the Supreme Court held that prosecutors may not use statements coerced from law enforcement officers under threat of removal from office in subsequent "criminal proceedings." The purpose behind *Garrity* was to extend the Fifth Amendment privilege against self-incrimination to police officers — and all employees — who are required by a supervisor to answer questions as a condition of employment. However, lower courts are divided as to when *Garrity* rights (and therefore Fifth Amendment rights) apply. While some courts interpret "criminal proceedings" broadly to include trial preparation, interpreting evidence and planning general trial strategy, others have limited "criminal proceedings" to criminal trial only.

Imagine this scenario: A police officer meets with an internal investigator who questions the officer's involvement in detaining a suspect who alleges the officer used excessive force. The investigator tells the officer that any statements he makes are purely for an administrative investigation and won't be used against him in any future criminal proceedings. The investigator also states that refusal to answer questions may lead to termination. The officer then makes incriminating statements concerning the suspect's arrest. The investigator relays the statement to a prosecutor who previously had no knowledge of any unlawful conduct prior to receiving the statement. The prosecutor initiates

Just the Facts:

» The Supreme Court case *City of Hays, Kansas v. Vogt* centers on what constitutes "criminal proceedings" for the purposes of Fifth Amendment protection. The FOP has requested the court to hold that once a compelled statement has been elicited, it shall not be used in any subsequent criminal investigation or proceeding (including probable cause hearings).

a criminal investigation and charges the officer with a crime based solely on the officer's compelled statement. The officer is detained pending trial and suspended from his post, and the local media reports that the officer may have violated the suspect's rights. However, after months of investigating, the prosecutor is unable to substantiate the case and the charges are dismissed. The damage has been done.

The present case involves Officer Matthew Jack D. Vogt, who worked for the police department of Hays, Kansas. While working there, he sought employment with the Haysville Police Department in late 2013. During the Haysville hiring process, Vogt disclosed that he had kept a knife obtained in the course of his work as a Hays police officer. Haysville offered Vogt employment on the condition that he disclose the knife to the Hays Police Department. Upon making the disclosure, Vogt was ordered by the Hays police chief to file a written report about the knife. In addition, as a condition of his employment with Hays, Vogt was compelled to give a statement as part of an internal investigation into the matter. Using Vogt's compelled statements, the compelled report and fruits from these sources, the Hays police chief requested that Kansas Bureau of Investigation initiate a criminal investigation. These actions culminated in a probable cause hearing to determine if Vogt could formally be charged with two felonies and bound over for trial.

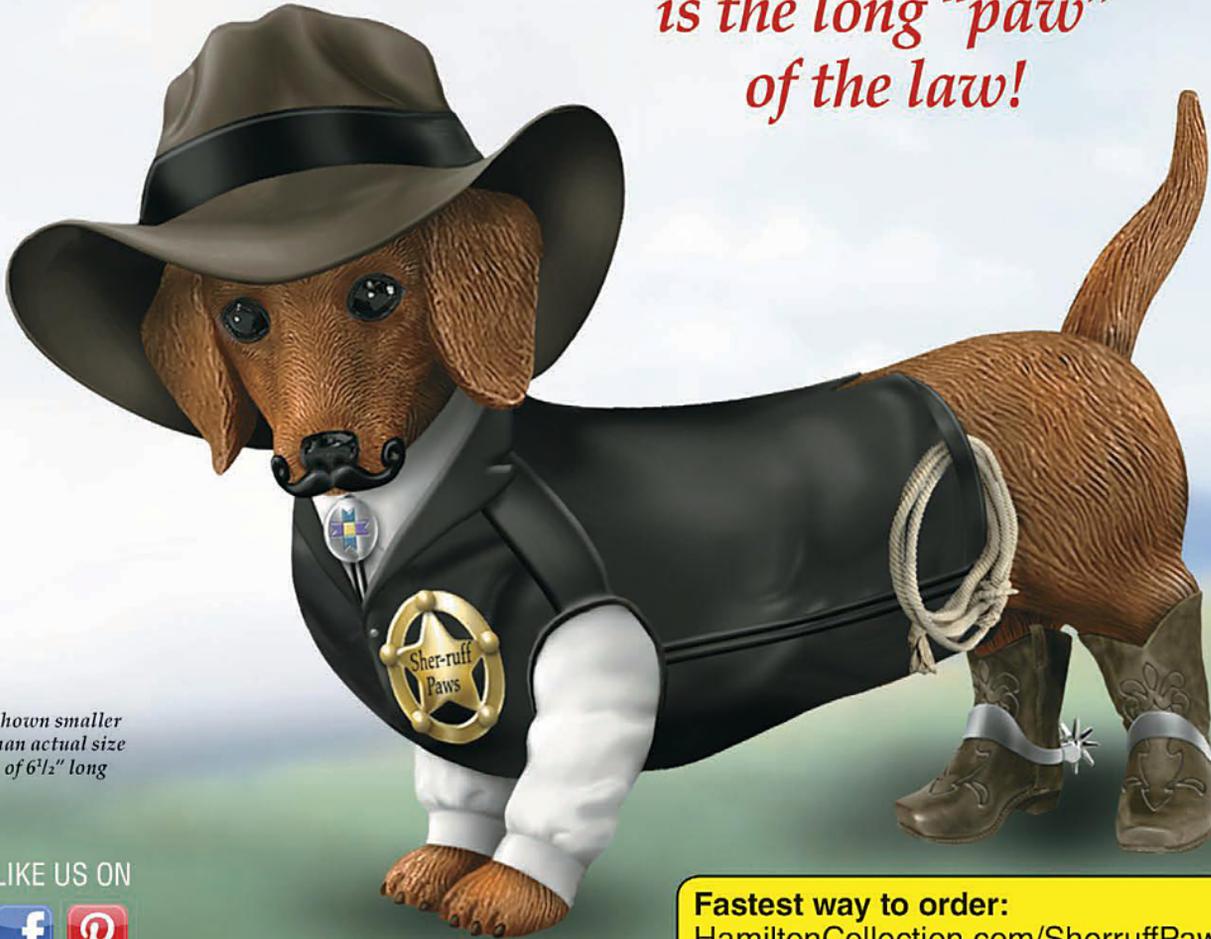
The 10th Circuit Court of Appeals held that Vogt's Fifth Amendment rights were violated when his compelled statements were used in a probable cause hearing. In doing so, the 10th Circuit determined that probable cause hearings constitute "criminal proceedings" for purposes of Fifth Amendment protection.

The FOP agrees with the 10th Circuit's conclusion, but has filed an amicus brief respectfully requesting that the Supreme Court go a step further and hold that once a compelled statement has been elicited, it shall not be used in **any** subsequent criminal investigation or proceeding (including probable cause hearings). It is in the best interests of police officers — and employees nationwide — for the Supreme Court to adopt the broader interpretation of "criminal proceedings," so that compelled statements may not be used for any prosecutorial purpose, including trial preparation, interpreting evidence and even boosting the confidence of prosecutors in the strength of a case.

Oral arguments for *City of Hays v. Vogt* are scheduled for February 20, 2018. Justice Neil Gorsuch, who sat on the 10th Circuit before joining the Supreme Court last year, has recused himself and will take no part in deciding the outcome of the case. **FOP**

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You Just Can't Avoid the Boyd

Past Grand Lodge President Dick Boyd is a man of many accomplishments, but little ego.

Dick began his law enforcement career with the Oklahoma City Police Department on June 1, 1964. He worked patrol and became a traffic and helicopter supervisor. He retired 20 years later at the rank of lieutenant. At the time, he was the National president of the Fraternal Order of Police, and his chief made things hard on him — financially. Brother Boyd stated, “Exactly 20 years because I was National president then and the chief would not give me any time off. Anything for the FOP, right? I’ve taken

an ass-kickin’ on pension ever since. Lost thousands of dollars for not staying to at least 30 years. Oh well, anything for the FOP!”

In his early days, Brother Boyd was instrumental in forming what was then the Shepard Lodge #123 in Oklahoma City. The charter was signed on January 8, 1968 — 50 years ago. The lodge was named for two sisters whose last name was Shepard. They had recently donated several new shotguns to the Oklahoma City Police Department. The lodge name was subsequently changed to Oklahoma City Lodge #123.

Dick’s service to his local lodge

included serving as secretary (1968) and president (1969–1971). Dick often brags that his local lodge is the only one in the country to have produced both a National president and a National FOP Auxiliary president (Karen Lippe, 1993–1997). He also served as the Oklahoma State president from 1974 to 1978. On the National level, he served as treasurer from 1979 to 1983. In 1983, Dick Boyd became this organization’s 15th National president, a title he held for four years.

Upon leaving office in 1987, he continued to be a popular speaker and

Continued on page 30 >

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Getting the Word Out

Communication is the key to a strong and healthy organization. *The Informer* is the monthly electronic newsletter of the Grand Lodge Auxiliary, which keeps members advised of the progress of National programs as well as events happening in state and subordinate auxiliaries nationwide.

Articles welcoming newly formed auxiliaries and articles from local auxiliaries sharing their latest successful membership projects are published to provide other auxiliaries with new ideas. The National Auxiliary promotes our ways-and-means projects and committee-sponsored raffles, while state and local auxiliaries advertise their fundraisers, inviting member participation nationwide. *The Informer* is designed to equip our members with up-to-date reports from the Grand Lodge Auxiliary and news of events and projects of other auxiliaries and their members. If you would like to receive this monthly electronic publication, please contact auxinformer@gmail.com to be placed on the mailing list.

Keeping our Auxiliary members informed is only part of our mission. Informing Fraternal Order of Police lodges nationwide of the benefits of chartering an auxiliary to assist them is vital to our growth. The Auxiliary provides programs that will not only support FOP lodges, but will also offer an avenue for their family members to get involved. The Auxiliary works to ensure that our established projects and programs are those that will benefit lodges and families. In addition, some auxiliaries support programs designed specifically for a local endeavor of their lodge, either long-term or meeting an immediate demand. As a result, family members who belong to the Auxiliary are working side by side with the parent lodge to promote law enforcement in a positive manner in their communities. This process can never fail, only strengthening the FOP and Auxiliary.

Evidence of the FOP and Auxiliary working together is apparent in the National Peace Officers' Memorial Service held in Washington, D.C., on May 15 of

each year. Both the FOP and the Auxiliary have committees of five or six members who work diligently throughout the year to ensure that the families of our fallen heroes will be able to attend a service that honors their loved ones.

While the FOP committee focuses on the logistics of the memorial site on the grounds of the United States Capitol, as well as other events throughout the week, the Auxiliary focuses on the surviving family members and making their experience on May 15 as free from anxiety as possible. The Auxiliary works to assure the surviving families that we will "never let them walk alone."

If you would like to know more about how you can join an organization to support law enforcement and their families, or information on an auxiliary for your lodge, we invite you to contact us for further information. **FOP**

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

FOP HISTORY

Continued from page 29 >

instructor on issues of leadership and labor. Brother Boyd is a constant when it comes to teaching FOP members how to be more effective members and leaders in their local and state lodges. He has always been more than willing to share his experience and expertise, from running a local lodge to dealing with lodge finances to labor. You don't have to attend one of seminars to get his teachings. You can call him on the phone with any questions you may have, or just to pick his brain. Like he said, "Oh well, anything for the FOP."

In 2009, Past National President Richard "Dick" Boyd was inducted into

the Oklahoma Law Enforcement Hall of Fame. In an interview, he stated, "I think it is important to note that not one person — not me or any one individual — could make the advancements in the area of police officer rights that the FOP has accomplished here in Oklahoma and across the nation in the last 50 years. I was elected by these officers. They told me what they wanted done. The officers gave me the wherewithal to get that job done, and we were a success. I was a cog in the wheel."

1987: That's when I first met Dick Boyd. It was at the National Conference in Mobile, Alabama. It was the last National Conference he would preside over. He has served on the Board of Directors as past National president ever since.

Members across the country can be proud of this man, and recognize the job he has done and the sacrifices he has made. And I'm sure he's not done yet.

I would like to recognize Dennis Lippe, a member of Oklahoma City Lodge #123, for his assistance in making this article possible.

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

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