




A PUBLICATION OF THE SOUTHERN STATES PBA, INC.

# BLUE REVIEW


An in-depth look at the PBA Issue 5



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**Southern States PBA**  
The best law enforcement association in the Southeast is getting a new look.



**Southern States PBA**  
It's been a long time coming and PBA 2.0 is almost here. Take a look inside to see what the PBA is doing to stay ahead of the rest when it comes to serving our members, both out in the field and on the web.



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**HER FATHER WAS THERE FOR YOU. ARE YOU  
GOING TO BE THERE FOR HER?**

## Death Benefits to Families

The beneficiary of a Southern States PBA member killed in the line of duty is eligible to receive a one time payment equivalent to the member's annual agency salary up to \$60,000. For non-duty related accidental deaths, there is a one time payment of \$5,000.

## Scholarships

The Foundation provides scholarships for children of officers and for students pursuing degrees in Criminal Justice. In addition, the PBF Memorial Scholarship has been established for the children of fallen officers.

## Disaster Relief

Our ability to respond to officers' needs during times of crisis is vital. During a disaster, whether natural or manmade, the PBF wants to be that helping hand. We responded to the needs of officers and their family members in the aftermath of Hurricane Katrina. We launched campaigns for officers in Alabama and Arkansas when tornados devastated their communities. We asked for support for officers in Georgia and Virginia when flood waters rose. Give to the Foundation, so we can be ready when duty calls.

POLICE BENEVOLENT  
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**800.233.3506**

The Police Benevolent Foundation is a 501(c)(3) organization and all donations are 100% tax deductible.

**[www.pbfi.org](http://www.pbfi.org)**





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A more in-depth look at the PBA

Issue 5

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For more information about the PBA or to speak with a representative about our services, please call 1-800-233-3506.





# Southern States

# PBA

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## So You Joined PBA Just For Legal Defense Benefits?

by Tommy Simpson - Director, Organizational Services, West Region

If you are like many officers who joined PBA just for the Legal Defense Benefits and are not active in the association, you're missing out. As so wisely said by someone before me, "Having PBA membership just for legal defense benefits is like having a Porsche that you only drive in 2nd gear; you'll never realize what it can really do." While the legal defense benefits of PBA membership are first rate in every respect, PBA is a whole lot more than just legal defense. If you're serious about wanting to make positive changes in your work environment and benefits, listen up.

Southern States PBA is made up of several different divisions or states. Each division is made up of multiple chapters. Each chapter, division and the parent association has an elected board of directors. These boards at each respective level provide leadership, coordination, unity and resources to PBA members.

A primary mission of PBA is to improve officers' pay, benefits and work environment while also improving the law enforcement profession. This is actually the initial purpose for which the association was founded. Like it or not, everything about law enforcement is affected by politics. Most anything you may want to change about your department will involve politics. Want better pay, better equipment, take home cars, better retirement, a real promotional system, better health insurance or a different city court judge, it all requires either the spending of government funds, the passage of new legislation, or both. Politicians, our elected officials, control both the legislative process and the spending of government funds on the city, county, state and federal levels. This is precisely why PBA encourages its membership to engage through their PBA chapter in the election process of their elected officials. This is the most successful way to address these types of problems.

PBA has refined a professional process by which PBA chapters can screen and endorse political candidates for public office. Candidates are personally screened based on issues of importance to the members of the respective



*The PBA takes pride in educating its leaders by providing leadership training to any chapter leaders who want to help effect change in the law enforcement profession.*

chapter. PBA will, upon a chapter's request, teach this process to chapter boards and members, aid in the actual conduct of the screenings, and provide the facility and all related expenses for the screenings. After the screenings are conducted and the chapter has made a decision on those candidates they wish to endorse, PBA notifies the candidates, runs endorsement ads for the candidate's campaign and, when appropriate, makes a

***"Having PBA membership just for legal defense benefits is like having a Porsche that you only drive in 2nd gear; you'll never realize what it can really do."***

contributions to a candidate's campaign. The PBA chapter works to expand the vote base for their chosen candidates by members communicating with friends and relatives asking them to vote for the endorsed candidates. In a coordinated effort with the candidate, chapter members can also work in the candidate's campaign, taking on assigned tasks such as erecting signs, passing out literature or manning telephone banks. Once candidates are elected, chapter leaders then have elected officials they can work with to resolve the problems and they should contact those officials requesting to do just that.

No doubt the current state of the economy is not the ideal conditions in which to seek improved benefits, but it is a great time to build the organization, unity and political relationships so you're ready when the economy improves. It is also a great time to work toward keeping the benefits you have or to push for improvements that do not require the expenditure of additional money, say like "Officers Rights... Due Process" or other policy changes. The elected officials may very well be receptive to doing this to keep employees appeased in a time when they can't give them other benefits. The bottom line is, things can be changed in a positive way through this process. I know because I've personally been a part of doing it numerous times. Does it take a little time and effort? Yes, but show me what's worth having that doesn't. Besides, what will you have another year from now if you do nothing?

There is immense power in numbers and unity, and when you add a little effort to that, you have the recipe for success. So contact a board member of your local chapter and get involved. If you don't know who to contact, call 1-800-233-3506 and ask.

REMEMBER ... Everybody thought somebody would do it but then everyone realized nobody did!





WWW.SSPBA.ORG

A full description of these benefits and all others that come with a PBA membership can be found by visiting our website.

# Why Join PBA?

## It's as simple as

# 1-2-3

# 1

### **The Legal Representation we offer our members is the best in the business!**

PBA provides an attorney to contact you at the scene of all on-duty shootings or serious injuries arising from your law enforcement duties, going to the scene if necessary. PBA provides an attorney to protect your individual interests if you are named as defendant in any civil or criminal action arising out of your duties as a law enforcement officer. **NO CAP or LIMIT.** Other organizations say they can match our legal benefits, but in the end, the PBA stands alone on this one.

# 2

### **The PBA takes a stand on legislative matters that affect our members!**

PBA maintains a professional staff of lobbyists to aid in obtaining legislation beneficial to the law enforcement profession. If there is critical legislation out there that will effect your job as a law enforcement professional, the PBA will take action and let your voice be heard.

# 3

### **The PBA provides your loved ones with the security of one of the best death benefits plans in the industry in the event you are lost in the line of duty.**

We believe that our accidental death benefit is the most generous of any such plan in our service area. Your beneficiary will receive: (1) your base salary for one year if you are killed in the performance of your law enforcement duties (maximum payment: \$60,000), or (2) \$5,000 if not an occupational death, or to retired and reserve members, in accordance with the terms and limitations of our insurance policy which underwrites the benefit.



## 2008 "George Almond" Officer of the Year Named Detective George Daniels is the Recipient of 3<sup>rd</sup> Annual Award



*Retired Detective George Almond and 2008 Winner  
Detective Daniels*

The PBA has long held a reputation for educating the public about the daily work of law enforcement officers and the sacrifices they make to keep their communities safe. The PBA has also worked tirelessly to develop relationships with elected officials to affect positive change for our members and the law enforcement profession. The Cary chapter continues to take these core principles of the PBA to a different level. Every year the Cary chapter brings together elected officials, officers, and the community to showcase the talents of police officers. The Cary chapter Board, in their first year chose to sponsor an Officer of the Year award in honor of retired Detective George Almond. Almond, a PBA member, was shot in the line of duty in October of 2001. He survived the shooting and returned to duty as a detective in juvenile investigations before retiring in August of 2004. The award recognizes outstanding achievement in the areas of leadership, community service, mentoring, excellence in performance, and valor.

On February 21, 2009, Detective George Daniels was named the recipient of the 2008 George Almond Officer of the Year award in festivities at the Embassy Suites in Cary, N.C. Daniels was selected from a group of five finalists by the Cary chapter board. The other finalists were Myron Guthrie, Robin Edwards, Donna Pell, and Lynne Brawn.

Detective Daniels was nominated by Sgt. Randy Byrd. In his nomination, Sgt. Byrd mentioned the many years of experience and the solid reputation that Detective Daniels has

throughout the department, the law enforcement community as a whole, and the district attorney's office. The nomination also highlighted his informal leadership, mentoring, and community service. In 2008, Detective Daniels served as the lead detective on three homicide investigations. These homicides occurred over an eight month period and required numerous man hours and investigative work. Although many detectives and officers worked on these cases, two detectives (Jim Young and Adam Dismukes) worked with Detective Daniels extensively. According to Sgt. Byrd, "Detective Daniels not only provided tremendous leadership and direction with these cases, but served these detectives as a mentor and an informal leader. Both of these detectives have grown professionally because of working with Detective Daniels and have developed a deep and profound respect for him that words alone can't measure. This is due in part to his unassuming approach to individuals. His approach works because he doesn't seek credit or recognition for himself but because he is always focused on the greater good. He has always been willing to sacrifice for this greater good and lead by quiet example. This is the true test of leadership and one that George has mastered." In continuing his nomination Sgt. Byrd noted that Detective Daniel's commitment to service doesn't end with the Cary Police department. According to Byrd, "Detective Daniels has been involved with the Raleigh Parks and Recreation department as a coach of various youth league teams for many years. In 2008, he was nominated for the Fletcher Award for his volunteerism." Nikki Spear the Director of the Millbrook Exchange Center offered comments about Detective Daniels in her nomination for that award and Sgt. Byrd included them in his comments. Spear wrote, "It's often difficult to find volunteer coaches who care and are committed to working



*George Almond and Award Winners (L-R) Lynne Brawn, Robin Edwards, George Almond, George Daniels, Donna Pell, and Myron Guthrie*





with youth in the leagues. As I began thinking about the many coaches who work with our leagues, one specific coach came to mind. George Daniels has become a staple and invaluable asset to District B athletics.” Speer added the following about him in her nomination, “George has always worked hard to follow our Code of Conduct by teaching and displaying positive sportsmanship while giving all players the opportunity to succeed. It is the dedication of volunteer coaches like George that make the difference in the lives of their players and the quality of our youth athletic leagues.” Sgt. Byrd offered these final thoughts in submitting George’s name for nomination. “The George Almond Officer of the Year award was created to recognize the sacrifice that George Almond made for the community he served. As part of George Almond’s sacrifice, he and Detective Daniel’s lives became forever intertwined. In 2001, George Daniels also demonstrated his informal leadership and selfless commitment to duty, as the lead detective in the investigation that sought, captured, and prosecuted George Almond’s shooter.”

Detective Daniels, upon realizing his nomination for this award had these thoughts about George Almond and what the award means to him. He said, “I have a special connection with George that started when we worked together on patrol. I later went to Investigations, and George later went to SBI, where we stayed in contact with each other. When he came back to the department and worked on patrol, I was in contact with him all the time, which later included investigating the crime that eventually ended his career. The thing that stuck with me is that through all the pain and agony that he went through he never seemed to give up on who he was. His character has always been what has made him a special person. I watched him use this internal character to make it back to what many thought would never happen. I see the award as a way of honoring a special person in a special way.”

Detective Daniels was raised in Newark, N.J. and graduated from Union High school in that same city. He served in the United States army for a number of years and was assigned to the criminal investigations division where he worked numerous cases and special assignments. This included assignment to the personal security detail for the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. His military service also included assignments in Central America, Korea, and Japan. Detective Daniels taught English as a second language while stationed in Korea and Panama. He joined the Cary Police department in 1991 and his investigative skills were soon put to use when he transferred to investigations. Throughout his career with the Cary Police Department, Detective Daniels has served as the lead detective on some of the most difficult cases the town has known. He is a past recipient of the Knights of Columbus and the American Legion officer of the year awards and holds a bachelor’s degree in criminal justice from St. Leo College. He is married to Marsha and they have three children and grandchildren.

Before the awards ceremony Crime Stoppers of Cary held a silent and live auction as part of the evening’s festivities. Ben Farrell, a police officer with the Morrisville Police Department and a professional auctioneer, led the live auction. His lighthearted interaction with those in attendance was one of the most memorable parts of the evening. A portion of the proceeds

*(continued on next page...)*



*Attorney General Roy Cooper*



*Master of Ceremonies Gerald Owens*



*Auctioneer Ben Farrell and Assistant Reed Jones*





*George Almond and Keynote Speaker Janet Cowell*

were donated to the Police Benevolent Foundation.

The Cary Police Honor Guard presented the colors and Katherine Fritsch returned for the third straight year to sing the national anthem to start the awards program. Rep. Paul "Skip" Stam the Minority Leader in the NC House of Representatives gave the invocation. Cary chapter President Randy Byrd welcomed those in attendance before introducing Attorney General Roy Cooper to give the opening remarks. In his remarks, Cooper thanked George Almond for his friendship and inspiration and for the example that he had set for others to follow. Cooper said of Almond, "You had this terrible event happen to you and you bounced back and you continue to do good things." Cooper continued with his opening remarks by thanking the PBA for their work and recognizing the officers that work to keep Cary safe. "There is a reason that Cary is a safe place...the people in this room right here." Cooper also offered insight into the needs of law enforcement and his commitment to keep the public safe.

Byrd returned to the podium to recognize the hosts and sponsors of the event along with the special guests in attendance. He also introduced Gerald Owens, who was returning for the second time as the Master of Ceremonies. Owens is the anchor for the 10 o'clock news on Fox 50 and the anchor of the 11 o'clock news on WRAL-TV 5. He is also the Host of NC Wanted on Fox 50 a show dedicated to solving unsolved cases and capturing wanted fugitives. Owens mentioned how honored he was to be in attendance and how awe-inspiring the nominations are that he gets to read. He said, "It really brings

it home...how much officers are sacrificing on a personal and professional level every day." Owens then introduced state treasurer Janet Cowell as the keynote speaker.

Cowell has been a friend of the PBA since her days as a Raleigh city council member. She moved on to the state senate where she continued to be an advocate for the PBA. Cowell was elected as the state treasurer in 2008 and is the state's 27th popularly-elected treasurer. In her remarks, she took time to thank the officers for the work that they do on a daily basis and for the support of the PBA that she has received through the years. She also expressed how honored she was to be at an event honoring George Almond and the finalists. Cowell is the sole fiduciary of more than \$68 billion in public assets and oversees the retirement system for 820,000 public employees, including teachers, firefighters and law enforcement officers. In her speech, she focused on the critical time that the retirement system is going through and the challenges that are ahead. She also asked for support in defending the retirement system of public employees and creating a level of understanding about the binding nature of an employee's pension. According to Cowell, "This is a contract and is something that we need to keep whole and sound."

Gerald Owens continued with the program by recognizing the achievements of the five finalists as Almond presented each of them an awards plaque. Almond was joined on stage by Jim Young (2007 winner) to present the final award to Detective Daniels.

In closing the banquet, Byrd offered a few words about the Police Benevolent Foundation before turning the podium over to Steve Wilkins who offered the benediction to a truly remarkable evening.

*\*the photographs in this article were taken by Dean Smith.*



*Katherine Fritsch Singing the National Anthem as members of the Cary Police Department Honor Guard present the colors. (L-R) Wyatt Crabtree, Steve Wilkins, Matt Pearson, and Robert Parker*

***For more info on the George Almond Officer of the Year Award visit the Cary Chapter web-page on the NCPBA web-site at [www.ncpba.org](http://www.ncpba.org)***





# 2009/10 Death & Disability Benefit Changes for Georgia Officers

by Joe Stiles - PBAGA Executive Director



In 2009, the Georgia Indemnification Program (O.C.G.A. 45-9-80 thru 45-9-88) finally saw some improvement. Senator Johnny Grant of Milledgeville was instrumental in passing legislation to increase the death and disability benefits for law enforcement and correctional officers.

A death benefit is available to the eligible beneficiary of a police or correctional officer who suffers organic brain damage or is killed in the line of duty. The normal payout for this category is now \$100,000 paid in equal monthly installments for five years or a lump sum amount reduced to its present value calculated at a rate by 6% per annum.

In the case of a partial permanent disability suffered in the line of duty, the eligible disabled person may elect to receive \$35,000 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value calculated at the rate of 6 percent per annum.

For an officer who suffers a total permanent disability in the line of duty, the injured person may elect to receive the normal payout of \$75,000 in equal monthly payments for five years or a lump sum of such amount reduced to its present value calculated at the rate of 6 percent per annum.

Supplemental financial assistance is available to officers temporarily unable to work due to certain in the line of duty injuries and who are drawing workers compensation. Officers must

file a claim within 30 days to request coverage for the difference between your monthly gross pay and your workers comp pay. If approved for compensation, injured officers would receive a monthly supplemental check less state income tax and FICA deductions.

Officers are cautioned that state law prohibits officers from receiving any state indemnification benefits if the cause or the contributing factor in the officer's death or disability was the result of that officer violating any Georgia law.

If you need more information visit <http://doas.ga.gov/StateLocal/Risk/Pages/RiskInfo.aspx> or contact: Georgia State Indemnification Commission  
*C/O Department of Administrative Services  
Risk Management Services  
Floyd Contract Station  
Post Office Box 347118  
Atlanta, Georgia 30334-0118  
Or call 404-657-4437*

## **Federal**

The Public Safety Officers' Benefits (PSOB) Act (42 U.S.C. 3796) provides a death benefit to the eligible survivor of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. Under certain duty related circumstances, officers who die as the result of a heart attack or stroke may qualify as well.

As of October 1, 2009, the benefit amount is \$311,810. The benefit is adjusted on October 1 of each year based on the percentage of change in the Consumer Price Index. As the result of the poor economy, the benefit amount actually went down this year. For each death and disability claim, the award amount is determined by the date of the officer's death or disability.

The PSOB Program provides disability benefits for a public safety officer permanently and totally disabled by a catastrophic injury sustained in the line of duty if that injury prevents the officer from performing any gainful work. However, be aware a medical retirement from your agency for a line-of-duty disability does not automatically establish eligibil-

ity for PSOB benefits.

In addition to the above benefits, the PSOB Program provides financial assistance for higher education expenses for the eligible spouse and children of federal, state, and local public safety officers who have been permanently disabled or killed in the line of duty. Educational assistance is only available to the spouse or children of a public safety officer after the PSOB death or disability claim process has been completed and benefits have been awarded. The educational assistance may be used to defray relevant expenses, including tuition and fees, room and board, books, supplies, and other education-related costs. The maximum award for a full-time student is \$860 per month of class attendance. All awards must, by law, be reduced by the amount of other governmental educational assistance that a student is eligible to receive.

As defined by Congress, a public safety officer is an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, rescue squad, ambulance crew, designated employees of the Federal Emergency Management Agency (FEMA) including state, local, or tribal emergency management or civil defense agency employees working in cooperation with FEMA, and chaplains.

Claims for death or disability must be filed within three years by the officer's employing agency on behalf of the eligible beneficiaries. For further information visit [www.psob.gov](http://www.psob.gov).

## **Southern States PBA**

The beneficiary of a Southern States PBA member killed in the line of duty is eligible to receive a one time payment equivalent to the member's annual agency salary up to \$60,000. For non-duty related accidental deaths, there is a one time payment of \$5,000. Since December 1, 2007, a heart and circulatory malfunction in connection with a line of duty emergency activity has been added to the death benefit. All benefits must comply with the terms and limitations of the insurance underwriter. For further information, visit [www.sspba.org](http://www.sspba.org) or call 800-233-3506.



# PBA Fights to Protect Police Rights in Georgia Legislature

by Joe Stiles - PBAGA Executive Director



**B**oth terms of this session of the Georgia General Assembly have been primarily about addressing the massive decline in state revenue. The resulting budget cuts to every branch and department of state government have had a devastating impact. Regardless, legislators found the time to attack two long-standing legal rights of police officers. Fortunately, the PBA was able to successfully negotiate with the legislators to preserve these rights.

## Grand Jury Protections

Grand jury rights for police officers in Georgia (OCGA § 17-7-52 and 45-11-4) have been around since the 1800s. However, they came under attack by four state legislators from Columbus. Senator Ed Harbison and Representatives Carolyn Hugley, Calvin Smyre, and Debbie Buckner introduced legislation to change these long-standing rights.

Police officers (both current and former) have certain rights if they are alleged to have committed a violation of any Georgia state law while in the performance of their official duties:

- No prosecution against an officer may proceed in either state or superior court without a grand jury indictment.

- The accused officer shall receive a copy of the proposed bill of indictment at least 15 days prior to its presentation to a grand jury.
- The accused officer and his or her counsel have the right to be present in a grand jury during the presentation of all evidence.
- The accused officer may make such sworn statement as he or she desires at the conclusion of the presentation of the state's evidence.
- The accused officer shall not be subject to direct or cross examination.

SB 312 by Senator Harbison proposed to amend OCGA § 17-7-52. Under this bill, a law enforcement officer would be subject to cross examination during an appearance before the grand jury, if that officer's direct or indirect action resulted in the death of another.

SB 313 by Senator Harbison proposed to amend OCGA § 15-12-68. This bill would have required all witnesses, "...including, without limitation, law enforcement officers," appearing before a grand jury to be sworn in. A true bill or no bill would be null and void if the decision of the grand jury was based in whole or part on any un-sworn statements.

HB 939 by Representatives Hugley, Smyre, and Buckner was identical to the legislation found in SB 313.

The PBA met with Senator Harbison and brought up the adverse impact these bills would have on police officers across this state. Senator Harbison agreed to do no harm to police officers, but still wanted to maintain the integrity of the grand jury process. To that end Senator Harbison tabled

SB 312. Furthermore, he worked to pass a committee substitute to SB 313 to ensure all persons appearing in front of a grand jury must be sworn in according to OCGA § 15-12-68. Senator Harbison also agreed to the removal of the language nullifying a no bill or true bill. The three Columbus representatives agreed to accept Senator Harbison's changes. Thank you, Senator Harbison.

## Prohibited Residency Requirement

Since 1975, OCGA § 45-2-5 has prohibited Georgia city and county governments from requiring police officers to live in their duty jurisdiction as a condition of employment. Representative Mark Hatfield of Waycross proposed legislation during this term to change this law. HB 413, as originally introduced, would have allowed cities and counties to compel police officers to live where they work. However, the sponsor was agreeable to changing his bill when the PBA brought to his attention the safety concerns that many police officers have about raising their families where they work. Under a committee substitute introduced by Hatfield, HB 413 will now only apply to city and county managers, department heads, and certain non-employee appointed officials. This bill does not require cities and counties to set residency requirements for these individuals, but it will allow them to do so if they see a need to do so. Many thanks to Representative Hatfield for working with the PBA to retain the freedoms for police officers allowed in OCGA § 45-2-5.







## Tennessee PBA Case Successful After Nearly Five Years

by Joni J. Fletcher

Director of Legal Services, Southern States PBA



Deputy William D. "Butch" Mitchell

In March 2010 the Tennessee Court of Appeals issued a decision which reversed the termination of Madison County deputy William D. "Butch" Mitchell. PBA had fought the termination of Deputy Mitchell since it was issued by Sheriff David L. Woolfork in 2005. The Court of Appeals determined that the civil service commission's decision to uphold the termination was not supported by substantial and material evidence and was arbitrary and capricious. The court remanded the case back to Madison County Chancery Court and instructed the court to enter a judgment in favor of Mitchell.

This long battle began when Sheriff Woolfork fired Mitchell after Mitchell was accused of forging and mailing postcards that implied that the sheriff was romantically involved with an employee. Testimony in the civil service commission hearing revealed that the whole basis for the decision to terminate Deputy Mitchell came from the opinion of a handwriting expert. No interviews were conducted, Deputy Mitchell's attendance records were not reviewed (a relevant point because the postcards were mailed from Louisville, Ky.), and the handwriting of only a few employees was submitted to the handwriting expert. Nevertheless, the commission upheld the termination. In its decision—reached nearly four years after the civil service commission hearing and nearly five years after Deputy Mitchell's termination—the Court of Appeals held that "the Commission's affirmation of the termination of Mitchell's employment must be deemed arbitrary and capricious."

PBA attorney Barclay Roberts in Memphis represented Mitchell for the duration of this ordeal, from the pre-termination hearing, through the civil service commission hearing, in the petition for certiorari before the chancery court, and before the Court of Appeals. His relentless efforts on behalf of Mitchell were ultimately rewarded when the Court of Appeals reviewed the totality of the situation. Legal fees and associated costs in this matter amounted to nearly \$25,000,



Sheriff David L. Woolfork

all paid for by PBA.

As for Butch Mitchell, he stated "My family and I have endured great personal and financial hardship for almost five years pursuing the truth being revealed about the outrageous conduct of Sheriff Woolfork. I am grateful to the PBA, my attorney and all my supporters."

The Madison County Sheriff's Department and the Madison County Civil Service Commission requested that the Court of Appeals rehear the case, but the court denied that petition. Sheriff Woolfork has indicated that he will file an appeal to the Tennessee Supreme Court.

## Arkansas Officer Has to Battle Sniper, His Department and the State

by Joni J. Fletcher

Director of Legal Services, Southern States PBA

In August 2008, PBA member John Forte of the Jacksonville (Ark.) P.D. was involved in an intense three-hour standoff with a heavily armed suspect who had several officers pinned down and in the line of fire. Officer Forte had responded to the scene after he heard radio calls of a man shooting at officers. Officer Forte got permission to lay down suppressing fire so officers could get an injured officer removed from the

scene. At one point, Officer Forte called his mother to tell her to get his daughter ready for the worst. "It doesn't look good," he said. "I don't know if this will end well." Eventually, the suspect was shot and killed, and PBA attorney Keith Wren was assigned the case to assist Officer Forte and the other PBA members involved as they gave their interviews. Officer Forte and the others were quickly cleared of any liability and later received

medals for their efforts.

Some months later, Officer Forte began experiencing symptoms of post-traumatic stress disorder (PTSD), including extreme fatigue and nightmares. He burned through hundreds of hours of sick time. Four doctors diagnosed him with PTSD, yet his department ordered him to see a fifth doctor. Officer Forte's attorney contacted the department to contend that

(continued on next page...)



if a “second (fifth) opinion” was necessary, Officer Forte should at least be able to seek treatment from a doctor of his choice. When Officer Forte did not show for the appointment with the fifth doctor, the Jacksonville P.D. ordered him to attend an administrative hearing for an insubordination charge.

In addition to Officer Forte’s health problems and potential loss of his job, his worker’s compensation claim was denied. Under Arkansas Code 11-9-113, Officer Forte had to show that his “mental injury” resulted either from a physical injury or because he was the victim of a crime of violence in order to receive worker’s compensation. The Municipal

League Worker’s Compensation Trust determined that Officer Forte did not meet the criteria of a victim of a crime of violence.

Officer Forte hired attorney Scott Scholl to represent him in his worker’s comp appeal, and PBA assigned the case to Mr. Scholl in the matter of the potential loss of his job. Both issues were resolved in March 2010, when an administrative law judge ruled in his favor in regard to his worker’s comp benefits and his disability retirement was approved. It is believed that Forte’s case is the first in Arkansas in which a law enforcement officer has won an award of worker’s compensation benefits without suffering a

physical injury.

The Arkansas Municipal League had fought Officer Forte’s worker’s comp claim and cut off his medical benefits because of their contention that he was not physically injured or the victim of a violent crime. The League argued that Officer Forte was armed and trained in dealing with violence and arrived at the shootout that day knowing of the dangers. In effect, because Officer Forte was doing his job, he was not eligible for worker’s compensation benefits.

Officer Forte called the resolution of his case “a victory for all Arkansas police officers.” “I appreciate everything PBA and Scott Hicks have done for me,” he added.

## **Alabama Police Officer Wrongly Denied Uninsured/Underinsured Motorist Benefits When Involved In Automobile Accident While On Duty**

*by J. Thomas Crawford - Law Office of J. Thomas Crawford, P.C.*

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**I**n a recent case in Alabama, a police officer, while on duty, was seriously injured in a traffic accident caused by another motorist. After receiving the policy limits from the liability insurance carrier for the at fault driver and from his own underinsured motorist insurance carrier, the police officer filed an underinsured motorist claim, with his employer’s insurance company. The insurance company denied his claim stating that a provision in the policy prevented the officer from recovering any benefits because he had also received worker’s compensation benefits.

Such a provision is illegal and unenforceable in Alabama and very well may subject the insurance company to additional damages for denying the claim. By including such a provision in a policy, the insurance company has effectively created a method to sell coverage to the

city for its employees, under which it would never have to pay a claim.

The purpose of uninsured/underinsured motorist insurance is to provide coverage for one injured in a motor vehicle accident when the at fault driver either has no insurance or does not have sufficient insurance to cover the amount of the injured party’s damages. The injured party does not have to be driving an automobile at the time of the accident to trigger coverage. The injury simply has to arise out of the use of a motor vehicle. An officer on foot who is struck by a vehicle would have coverage. Under Alabama law, this coverage is required in all liability policies in the state unless rejected in writing by the named insured.

Therefore, not all cities will provide their employees with uninsured/underinsured motorist coverage. However, police officers who work for a city

that does, certainly have the right to collect benefits from that coverage when the facts of their particular case warrant recovery. Any PBA members who have been injured in an automobile accident that was the fault of the other driver and whose damages exceed the limits of the other driver’s insurance should seek legal counsel to determine if they have a claim against their employer’s uninsured/underinsured motorist coverage.

I would also encourage all members to check their individual automobile insurance policies to verify that they have uninsured/underinsured motorist coverage. It is relatively inexpensive to purchase and with the large number of either uninsured drivers or drivers with the minimum coverage of only \$25,000 on the road, it is great protection for yourself and your family.





# A Quick Look Into What Governmental Affairs Is Up To

by Jeff Fluck - Director of Governmental Affairs

**W**ith the start of the second session of the 111th Congress, PBA is following bills of interest to members that have the potential to affect the work-life of the law enforcement community throughout the southern states. We are currently paying special attention to twenty-six bills, which are updated regularly on the Governmental Affairs web page on the Southern States PBA web site. Sixteen of the more important bills are summarized here.

Bills affecting the employment rights of law enforcement officers are addressed in the following three bills.

## **Collective Bargaining Local/State LEO (HR 413 / S 1611)**

This bill provides for collective bargaining by local and state law enforcement officers.

Introduced in the House on 1/9/09 by Rep. Kildee (MI-5). It was sent to the Education & Labor committee where it remains as of this printing. The PBA Representatives that have signed on as cosponsors are; John Duncan (TN-2), Davis (TN-4), Bishop (GA-2), Cohen (TN-9), Scott (GA-13), Connolly (VA-11), Wamp (TN-3), Jones (NC-3), Watt (NC-12), Gordon (TN-6), Davis (KY-4), Snyder (AR-2), Lewis (GA-5), Barrow (GA-12), Price (NC-4), and Yarmuth (KY-3). The companion bill in the Senate is S 1611. This bill was introduced on 8/6/09 by Sen. Judd (NH). It sits in the Health, Education, Labor & Pensions committee. The PBA Cosponsor signed to date is Sen. Lincoln (AR).

## **Due Process State/Local LEO (HR 1972)**

This bill provides for due process in disciplinary actions against state & local officers. Introduced on 4/2/09 by Rep. Stupak (MI-1), it was sent to the Judiciary committee where it remains as of this printing. The only PBA cosponsor to date is Rep. Jones (NC-3)

The following four bills have



been introduced which would change the way employees would choose the organization to represent them in employment matters.

## **Union "card check" (HR 1176 / S 478)**

This bill and companion bill S 478 (Secret Ballot Protection) would require secret ballot for employee union representation selection.

## **Employee Free Choice Act (HR 1409 / S 560)**

This bill and companion bill S 560 provides "card check" provision, as opposed to secret ballot election, for selection of union representation.

Bills which potentially affect survivor benefits are included here.

## **Public Safety Benefits to Non-Gov employees (HR 2485 / S 1353)**

These bills propose to include non-governmental employee or volunteer of a fire

department, ground or air ambulance service, or first responder or rescue squad, which is licensed or recognized by the State or local government; and who is performing official duties serving the public in fire suppression, rescue, or emergency medical and ambulance services to receive current law enforcement death/disability benefits.

## **Public Safety Officers Line-of-Duty survivor health care (HR 3162)**

This bill allows for survivors of officers killed in line-of-duty to apply for health coverage under the federal employees health plan.

Many bills have been introduced which affect the concealed carry of firearms by both law enforcement and the general public. A few of them are included here.

Concealed carry reciprocity bills **HR 1620** and **S 371** would allow cross-state concealed carry. Senate bill **S 845**, Interstate Concealed Carry, is another clarification for CCW permit holders to carry cross state lines. Senate bill **S 1132** is specific to Law Enforcement Concealed Carry, which seeks to improve the provisions regarding law enforcement carry of concealed weapons. House bill **HR 3752** the "Law Enforcement Officer Safety Act Improvements 2009" would make changes that would include AMTRAK police and additional federal "officers" to current law. It also changes "retired" officer definitions, reducing to 10-yr service as well as other changes. It is a companion to **S 1132**.

Finally, this Congress is attempting to give local Sheriffs additional political power with the introduction of House Bill **HR 4466**, "Hatch Act; State/Local enforcement reform." This bill would permit law enforcement officers to be candidates for sheriff and for sheriffs to be politically active in other elections.

VISIT [WWW.SSPBA.ORG](http://WWW.SSPBA.ORG) FOR  
MORE INFORMATION



# North Carolina Division President Named to Future of Retirement Study Commission

**O**n December 9, 2009, NCPBA Division President Randy Byrd was named as a member of the Future of Retirement Study Commission by State Treasurer Janet Cowell. The 13-member Commission, comprised of government employees and retirees, human resource experts, and private sector leaders, will proactively address the need for change by evaluating and making recommendations for the retirement benefits of North Carolina's state and local government employees hired in the future.

The Commission chairman is Robert Clark, a national expert on retirement and pension issues who has a doctorate from Duke and is a professor of management and economics at North Carolina State University. Clark specializes in aging and labor economics and pension and retirement policies. He has served as a research director of the TIAA-CREF (Teachers Insurance and Annuity Association - College Retirement Equities Fund) Institute, is a senior fellow at the Center for the Study of Aging and Human Development, and is a member of the Pension Research Council.

"North Carolina is fortunate to have Robert Clark and this group of Commission members that bring such a wide range of expertise to this important issue," stated Cowell. "This diverse group is committed to researching potential options to ensure a safe retirement for our public servants. Their work has the potential to be referred to nationally as our economy and workforce continue to change."

The current benefit design has been largely the same since 1963, despite significant changes to the workforce. Additionally, retirement systems across the country have started to attract national attention during the financial crisis and warrant increased attention as fund-



*Dr. Robert Clark and State Treasurer Janet Cowell address the Commission during the first meeting.*

ing levels drop and many private sector employees have been forced to delay retirement.

As part of the commission's work, the joint Boards of the North Carolina Retirement Systems has directed the Commission to recommend the retirement benefits that should be provided to future hires of state and local government in North Carolina. As part of this directive they provided guidance on what the Commission's recommendation should seek to accomplish. These guidelines are as follows:

- Provide adequate retirement income at a reasonable retirement age after a reasonable period of employment
- Provide a proper system for managing risk, including eliminating risk through pooling wherever possible
- Encourage employee behavior that best meets the workforce needs of the state and local governments
- Give control over retirement planning decisions to those best able to make those decisions
- Fund benefits in a sound manner through an appropriate mix of employee and employer contributions
- Comply with applicable laws, keep

administration costs low, and be easy for stakeholders to understand

- Determine whether or not it is possible and appropriate to extend this benefit design to any of the existing employees.

The first meeting of the Commission took place on January 25, 2010. They also met in February, March, April, May, and June. The Commission will continue to meet throughout the year on a monthly basis and will be providing recommendations at the conclusion of their work. The department's website ([www.nctreasurer.com](http://www.nctreasurer.com)) will host a "Study Along with the Commission" section providing the public with the materials presented to the Commission and updates on discussions and events.

**Members are encouraged to call or email Randy Byrd with input about the retirement system. (1-800-233-3506 ext. 311 or [rbyrd@sspba.org](mailto:rbyrd@sspba.org))**





## Meet VAPBA Division President Jason Knorowski

by Jason D. Hudgens



**J**ason Knorowski is a graduate of Saint Leo University with his Bachelor's Degree in Criminal Justice and is currently serving as the president of the Virginia Police Benevolent Association. Knorowski has been an officer with the Portsmouth Police Department for approximately twelve years as a uniformed patrol officer and was a member of SWAT for approximately five years. Knorowski is also a certified non-lethal weapons instructor as well as a crowd control instructor. He now spends his time in community policing for the department.

Jason Knorowski has been a prominent leader for the Virginia Benevolent Police Association and has also held the title of chapter president for nearly five years. He is the best man for the position because

he cares about his members and he can get things done. He's not afraid to ruffle the feathers of superiors to let them know when they are doing something wrong. Knorowski has a wealth of knowledge and training. He began his professional career in the United States Marine Corps in the infantry, also known as a grunt marine. After spending six years in the Marine Corps he separated and joined the Virginia Beach Sheriff's Office. He was only with them for approximately eight months before receiving an offer to join the Portsmouth Police Department, where he has been for the last twelve years. Knorowski loves his job and loves being the President for the Virginia Police Benevolent Association. It takes a special person to perform such a job as the president, because it's a job that requires him to volunteer much of his off time to contribute towards his members.

## Arkansas River Valley Chapter "New Finds"

by Sterling Penix - Member of the River Valley Chapter of the Arkansas PBA

**P**BBA is limited only by the innovation of its leadership and members. PBA provides an array of member benefits such as legal defense, death benefits, legislative representation and so much more. We as PBA leaders from the chapter level up can through a little effort and innovation, provide other very worthwhile services to our members. By opening up our minds to new ideas and communicating with our respective members to learn how we can better serve them we find that in fact, we can.

In recent months under the leadership of chapter president David Ewing, the River Valley Chapter has implemented a new twist to chapter meetings. Occasionally, we have attorney Rusty Wood as a very welcomed guest at our meeting. Mr. Wood is an in service attorney providing legal services to many PBA members within our area of the state. In attending our meetings he has given insight and update information in the areas of officer rights, as well as civil



and labor issues. Having benefit of this knowledge has not only helped resolve problems for some members but has inspired new ideas in the way to approach problems to begin with. Everyone in attendance appears to enjoy the informal discussions, and the personal connection

that occurs on both sides of the talk is of great benefit as well. Sterling Penix, the chapter's senior vice president, said "This kind of PBA involvement advances the idea that our attorneys are more than names on a list, detached unfamiliar figures in the courtroom, or a name of a business card. Our attorneys are our advocates and partners who you know by first name."

Chapter president David Ewing said, "We always promote meetings to our membership when our attorney will be there and in turn we have seen an obvious increase in attendance and participation. Having a PBA attorney join you at your next meeting is a great way to increase participation, knowledge, attendance and camaraderie. Ewing concluded by

referring to the significance of the new chapter dynamic. "PBA membership is a great endeavor. PBA involvement will give way to new discoveries, whether learning more about legal issues or finding new friends. Get involved and be prepared for your new finds."



## The Critical Incident

by Don English - General Counsel, Southern States PBA

**Y**ou have just had to use deadly force to protect yourself or others, had a suspect die in your custody, or have become involved in a serious accident. What should you do next? After you have paused to give thanks that you will once again go home alive, issued any needed lookouts, and notified your supervisor and/or departmental investigators, your next call should be to your lawyer, hopefully one that is experienced in law enforcement issues. If you are a PBA member, you will have our 800 number for that purpose, 24/7.

Regardless of how justified your actions may have been, the spotlight and microscope are now on you and could remain for some time, while your department, other agencies, citizen review boards, and even the assorted and strident enemies of law enforcement will analyze and second guess your actions.

You will be faced right away with some very critical decisions you should make only after consulting with your attorney, one of the most important being whether to give a voluntary statement and if so, when. Obviously, if your department orders you to give a statement right away, you will have little choice if you wish to remain employed, and this statement will in all likelihood be protected by the Supreme Court's Garrity decision and its progeny.

However, depending on the facts, it is often better to wait until you have rested, "detoxed" from the adrenaline, and taken the time to review the incident carefully in your mind before giving any interviews. Over the years, I have counseled officers immediately following a critical incident who were so pumped they could barely tell you their names. People have a range of different reactions to this type of trauma. Unfortunately, this is the time many tend to be the most talkative.

When giving any statement, it



is also important to refrain from guessing at things like times, distances or the number of rounds fired - until you are sure. Tomorrow your answer may be different after you have had time to reflect. Several years ago, I met with an officer

***“Regardless of how justified your actions may have been, the spotlight and microscope are now on you while your department, other agencies, citizen review boards, and even the assorted and strident enemies of law enforcement will analyze and second guess your actions.”***

right after a shoot out in which the suspect managed to get away, but the officer was sure that he had winged him in the left shoulder. I suggested that he just say “shoulder” in his narrative for now, but he insisted on saying “left shoulder.” Sure

enough, before he could finish the statement, a hospital called in to report that a “gentleman” had presented at their emergency room with a gunshot to the RIGHT shoulder. Obviously, the officer was not trying to be deceptive but was still suffering from the well known tunnel-vision effect which can occur during a life-or-death encounter. Just beware that at some point, all of your statements will be of public record (depending on your state laws) and fair game for the perpetrator's family and others to use in filing a lawsuit or otherwise attempting to make your life miserable.

After any use of force, the areas of legal exposure facing an officer in their order of importance are generally the following:

After any use of force, the areas of legal exposure facing an officer in their order of importance are generally the following:

**1.) Criminal** - By far the most important consideration is the possibility of being prosecuted criminally either on the state or federal level, or both. Unfortunately, officers are facing a greater likelihood than ever that their decisions will be the subject of criminal investigations, especially with high profile cases. Sometimes political concerns of the District Attorney or U.S. Attorney can outweigh the reasonable application of the law to a set of facts. It may be a profoundly dismaying thought to realize you could face criminal charges for doing your job, but it is true. For some of the more recent horror stories across the country, check out: [www.policedefense.org](http://www.policedefense.org)

One or more of the following agencies (in no particular order) can be involved in the criminal investigatory process, and will of course want a statement from you:

1. Your agency's investigators;
2. Your state's investigative bureau;
3. District Attorney's investigators;





4. FBI;
5. U.S. Attorney; and
6. U.S. Department of Justice, which has a section devoted exclusively to prosecuting law enforcement officers;

Of course, you should not view any of the above as being the bad guys; each agency has an important job to do. But, that job does not include looking out for your interests.

You should never give a voluntary statement which can be potentially used against you criminally without first

discussing the pros and cons with your lawyer, although the pressure to do so can be great.

**2.) Certification** - Your state certification agency can independently investigate any incident administratively and can take action against your certification, which, of course, you need to maintain your career. Statements given to them are not generally protected from further use, civil or criminal.

**3.) Internal Affairs** - You can be compelled as a condition of your continued

employment to give a statement to I.A. which generally cannot be used against you criminally (except for perjury). If you are questioned without being read a Garrity warning, you need to "Garrity-ize" yourself before proceeding further. (See our website for more information.) Statements made to I.A. generally are admissible in civil and administrative cases, including your state certification agency. And, most agencies in this part of the country will not permit your lawyer to be present during an internal investigation.

It is extremely rare for an officer in a high crime area to finish out his career without being sued or complained on at some point, most particularly after having to use force during an arrest. Any ill-advised statements you make right after an incident can, even years later, be paraded in front of a jury in the worst possible light. It may be difficult to always think that far down the road, but that is another reason to consult an attorney.

Lastly, please remember that, as vital a role as family, friends, and fellow officers play in helping you get through a critical incident, no conversations you have with them are legally privileged (spouses excepted), and they could be compelled by subpoena to testify to anything you have told them, whereas anything said to your attorney in confidence is off limits, and he or she is legally and ethically bound to keep it confidential.

Stay safe and call us if we can help!

## The North Carolina PBA Shows Their Appreciation

In 2009, the NCPBA worked with legislators to pass two bills into law. (See related articles about SB 411 and HB 816.) The legislators that were involved with these pieces of legislation worked through numerous committee meetings to move the bills forward for House and Senate votes and to Governor Perdue to sign into law. In recognition of these legislative efforts, the PBA presented plaques of appreciation to legislators at luncheons in Winston-Salem and Greenville and at a banquet in Cary.



*Legislators and PBA members at plaque presentation in Winston-Salem*



*Rep. Marian McLawhorn with PBA members at plaque presentation in Greenville*

## Sergeant Mickey Hutchens Always Remembered

by Beth Hutchens

**W**e were a police family: I was a former communications operator married to Sergeant Mickey Hutchens, a 27-year-veteran of the Winston-Salem Police Department. With two daughters, we worked very hard to get them through college. Our oldest daughter was in her second year as a seventh grade social studies teacher; our youngest daughter was in her second year of pharmacy school. Mickey was devoted to his family and extremely proud of his daughters; proud of what they had become and what he knew they would achieve in the future.

Over the years, we discussed what made Mickey's job difficult as well as easy. When Mickey paid the bills, he always pointed out what peace of mind his PBA membership brought to him. He especially appreciated that the PBA sent in an attorney whenever the situation called for legal advice, and he thought the accidental death insurance was an added benefit.

Although we knew the prospect for danger was ever-present, Mickey was destined to be a police officer. He was proud of his service as a patrol officer, a juvenile detective, a Professional Standards Division investigator, and a patrol sergeant. He was always available for his squad members, often inviting them to his home to hunt or have dinner. Mickey was a 24/7 law enforcement officer and, for Mickey, he could be nothing less.

October 7, 2009 was a sunny Wednesday, halfway through Mickey's workweek. Mickey got ready for day-shift, put his Labrador, Lilly, in her pen for the day, and went to work early, as was his routine. He attended line-up and got his squad out the door to relieve midnight shift as quickly as possible.

One of his squad members was assigned a warrant service call at 9:20 a.m., which was connected to a domestic



*Sergeant Mickey Hutchens and his family*

violence call from the prior week. This time, the suspect, Monte Evans, went to the Bojangle's Restaurant where his ex-wife worked. She called 911 informing the police department of the warrant, but the call escalated when one of the Bojangle's employees hit the panic alarm.

The first unit on the scene got into a foot pursuit with Evans, and Mickey arrived in time to follow Evans out of the parking lot and down an embankment. Just as Mickey was within distance to tackle Evans, he turned, shooting Mickey once in the face. As Mickey fell, Evans continued firing at the other two officers following Mickey. A bullet struck Officer Daniel Clark once in the chest, where the vest protected him. The other bul-

let struck Daniel in the ear and traveled down Clark's neck, but, miraculously, did not hit anything critical. Clark was able to return fire, killing Evans.

At that point, our lives were forever changed.

We spent five days at Wake Forest University Baptist Hospital surrounded by our family and the law enforcement community. The PBA immediately responded with attorneys for both Mickey and Daniel. The Police Benevolent Foundation immediately went to work to set up accounts for both families.

We spent our youngest daughter's 21<sup>st</sup> birthday with Mickey, and the next day, he left us. The funeral was such an honor to both Mickey and all of the other officers who go to work each and every day, knowing that the same thing could happen to any one of them at a moment's notice.

Now almost ten months later, we are still surrounded by the law enforcement community. As a family and with a tremendous amount of community support, we created The Sgt. Mickey Hutchens Leadership Scholarships. There have been blood

drives and other events in his memory, a domestic violence awareness campaign was created, and many people continue to work on creating a foundation in Mickey's name to benefit the community he served.

And, even in death, Mickey continued to save lives as an organ donor.

Mickey lived life to the fullest. He was a happy person. He was an avid outdoors man and played the guitar, not just with his fingers, but with his heart. He was a devout Christian, confident that he would be rewarded in the afterlife.

We will miss Mickey every day; however, his dedication to protect and serve his community continues through all of us as we honor his memory.





## Compensation for K9 Care: The Law Is Clear

by Joni J. Fletcher  
Director of Legal Services, Southern  
States PBA



**I**t is well-settled federal law that an officer's time spent caring for his department-assigned K9 is considered as hours worked for the purposes of overtime calculation. Feeding, grooming, training, and otherwise providing care for the dog have been repeatedly found by courts to be compensable time. Court decisions have varied somewhat insofar as the appropriate amount of time per day that is acceptable as K9 care, but it appears that 90 minutes per day is the typical allowed amount.

Despite the clear support for compensating officers for these K9-related activities, PBA receives calls from members on a regular basis regarding the fact that their departments are refusing to pay them for their time spent caring

for their dogs. A quick review of the officer's paperwork regarding his assigned duties and the timeframe for caring for his K9 is typically enough to get the matter assigned to a PBA attorney.

Often, the officer's employer is not aware of the law and the PBA attorney is able to resolve the matter expeditiously through corresponding with the employer. Should the employer choose not to compensate the officer appropriately, PBA will not hesitate to pursue the matter through the available avenues, whether that be an internal grievance or a federal lawsuit.

Under the Fair Labor Standards Act (FLSA), when it is proven that an employer violated FLSA provisions, an employee is entitled to recover up to two years' back pay. In the event of a willful violation, the employee may be entitled to recover up to three years' back pay.

Ensuring that officers receive the pay they are entitled to for the additional work they take on as a K9 officer is just one more type of case that PBA takes on for its members.

## H.R. 413, Public Safety Employer-Employee Cooperation Act of 2009

**O**n March 10, 2010 Mike Kochis, President of the Alexandria Chapter of the VAPBA; Jason Knorowski, VAPBA President; and VAPBA Executive Director, Sean McGowan went to Washington DC to attend the meeting of the Health, Employment, Labor and Pension sub-committee. On the committee docket was a hearing for H.R. 413. The committee heard testimony from labor representatives both supporting and opposing the legislation. A letter of support for this legislation was produced and presented to the committee by representatives from the Virginia PBA.

Five witnesses who represented various labor organizations spoke in favor of the bill, while two witnesses spoke against it. Although no vote was taken at this meeting, it appeared that a majority of committee members support this bill.

This legislation is very important to our members across Virginia because it would end the prohibition on collective bargaining now in Virginia law (Virginia code section 40.1-57.2). Passage of H.R. 413 will give employee groups in Virginia a voice in pay, benefit and working condition discussions.

This bill is of particular importance to members in Alexandria since one of their endorsed State Delegates, Adam Ebbin, carried a bill in Virginia that would have removed code section 40.1-57.2 from Virginia law, ending the prohibition on collective bargaining. Members of the Virginia House of Representatives were not receptive to this bill and a heated debate took place on the floor of the House chamber, killing the Virginia bill with great vigor.

Reports from experts show that H.R. 413 has a better chance of passing now than it ever has before. When passed, this bill should override any state law restricting collective bargaining. We will continue to let our federal legislators know we support H. R. 413 and work toward securing this important right for all law enforcement professionals.

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## The Legal Side of Things A Closer Look at PBA Attorneys



by Joni Fletcher  
Director of Legal Services - SSPBA

Unlike some other legal plans with only a handful of approved attorneys in a state, SSPBA maintains a standing list of over 600 referral attorneys in our 11 covered states. The list continues to grow as our members identify the attorneys in their areas whom they want to see representing PBA members in need of assistance. It is the members and local chapters who select the attorneys who are on the referral list, as those members identify the attorneys in their area who are supportive of law enforcement and who work hard in representing their clients.

The attorneys who agree to being listed as PBA referral attorneys typically do so because of their appreciation for the efforts of the law enforcement officers in their communities. These attorneys agree to work at reduced hourly rates on PBA cases. In addition, they understand that they may receive calls at inopportune times, as PBA members can find themselves in emergency situations at any time of the day or night and on holidays.

Many PBA referral attorneys are former prosecutors or even former law enforcement officers themselves, and they understand the challenges which law enforcement officers face. In addition, experienced employment attorneys are on the referral list to assist with the all-too-common disciplinary and grievance matters that arise for PBA members.

Attorney Jeff Reynolds in Jackson, MS has handled PBA cases since 2000. He has represented PBA members in the full gamut of covered cases, everything from disciplinary appeals and grievances to line-of-duty shootings and criminal investigations. In addition, he

***“It is my honor and privilege to represent police officers through the PBA,” said Tidwell. “Without exception, I find police officers to be not only cooperative clients when it comes to the work of litigation, but to be men and women of exceptional character with a keen sense of duty to their communities.”***

has been an advocate of the interests of PBA in standing up to the Mississippi Municipal Liability Plan to demand successfully that the Plan reimburse PBA for the defense costs in a civil matter that the Plan was obligated by statute to defend a PBA member in. Jeff’s support of PBA is so great that he flew to McDonough, GA for the purpose of meeting with PBA staff

and personally introducing himself.

Jeff has also enlisted the support of his associates in representing PBA members. Attorneys Ginger Gibson and Julie Ratliff have been strong advocates for members facing difficulties arising from their performance of their jobs. When asked about his work for PBA members, Jeff stated, “It is an honor for me and the attorneys I work with to have the opportunity to represent law enforcement officers for the PBA. These officers put their lives on the line every day to protect us and our families, so we receive great professional satisfaction from helping them with legal issues that they have.”

During his 16 years as a PBA referral attorney, Jerry Tidwell of Chattanooga, TN, has represented nearly 150 members. He’s handled all types of PBA cases and never hesitates to represent a PBA member in need. While Jerry has professional working relationships with the attorneys representing the law enforcement agencies in the southeast Tennessee area, he is fully committed to ensuring that the members he represents are being treated fairly. Jerry stays in close contact with the PBA Legal Department regarding his PBA cases to make sure that PBA is up to speed on developments.

“It is my honor and privilege



*PBA referral attorney Jeff Reynolds and his staff have been instrumental in helping many members when we needed them the most. Attorney Jeff Reynolds’ office is located in Jackson, MS.*





*Attorney Jim Lay in Alexandria, Va. has worked with PBA since 2006.*

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**“I am honored to represent the brave and dedicated men and woman who work tirelessly to keep our communities safe and prosperous. While the legal profession has been sensitive to the rights of many members of our society, inexplicably, the rights of police officers and deputies have historically been afforded less respect.”**

erative clients when it comes to the work of litigation, but to be men and women of exceptional character with a keen sense of duty to their communities.”

Attorney Jim Lay in Alexandria, VA has worked with PBA since 2006. He is well respected in the Alexandria law enforcement community and has proven to be a valuable resource on Virginia law

for PBA staff.

“As a former prosecutor,” said Lay, “I am honored to represent the brave and dedicated men and woman who work tirelessly to keep our communities safe and prosperous. While the legal profession has been sensitive to the rights of many members of our society, inexplicably, the rights of police officers and deputies have historically been afforded less respect. Working with

the SSPBA's highly competent legal staff, I'm proud to be part of an effort to correct this imbalance by zealously promoting officers' rights.”

In addition to the substantial list of referral attorneys, PBA members are also served by an experienced legal staff. Joni Fletcher, Director of Legal Services, has worked for PBA since 1994. In addition handling member requests as a Georgia attorney, her role is to evaluate all requests for legal service, to assign member cases to attorneys as needed, and to ensure that members' needs are met. She is assisted by paralegal Jodi Peyton, with PBA since 2000, and Judy Thacker, legal receptionist.

General Counsel Don English and Senior Staff Attorney Grady Dukes are working daily on behalf of PBA members. Don is a former prosecutor who came to work with PBA in 1990. Grady was an officer with Valdosta P.D. when he joined PBA in 1984. He later went to law school and came to work full-time



*Don English  
General Counsel - SSPBA*

with PBA in 1994. Don and Grady have handled countless shootings, disciplinary appeals, certification hearings and all other varieties of law enforcement-related legal issues in their time with PBA.

In April, the legal staff added attorney Charlie Cordell to assist members from all covered states with their legal inquiries. Charlie came to PBA after eight years of working in a law firm.

Membership in PBA provides access to and representation by committed, experienced legal experts. In the event that there is ever a concern or a question regarding how a legal case is being handled, members need only to contact the Legal Department at (800) 233-3506, ext. 3, to speak with someone who will provide the needed answers. The PBA Legal Department prides itself on providing legal service for law enforcement officers that is second to none.



*Grady Dukes  
Senior Staff Attorney - SSPBA*



*Charlie Cordell  
Staff Attorney - SSPBA*



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# THE BEST LAW ENFORCEMENT ASSOCIATION IN THE SOUTH IS GETTING A NEW LOOK

Its been a long time coming, and PBA 2.0 is almost here. Take a look and see what the PBA is doing to stay ahead of the rest when it comes to serving our members, both out in the field and on the web.



## The Realization of a Much Needed Change

# PBA 2.0 is COMING!



*By Tim Reichert  
Director of Communications  
and Public Affairs*

**A** little over two and a half years ago, my department (Communications Department) started the process of trying to figure out how we here at the Southern States PBA could go about enhancing the member's online experience. This was not an easy task, and we soon found out that in order to create an online environment like we wanted to present to our members, we were going to have to spend the next few years devoted to learning the inner workings of just about every department in the association.

It seemed like an easy enough task for my department at the time. It would be a simple redesign of all of our

websites to freshen up our presence on the web while at the same time adding some new, more up-to-date features to them. Simple enough, right? Wrong! As my Assistant Director of Communications, Tom Conroy, and I began working on some ideas, we soon began to realize that this needed to be much more than a simple face-lift of our 100+ division and chapter websites. We wanted to offer the member more online control of their account while streamlining the way we will do things on the back end of these new sites. I wanted to try to incorporate some new things as well. Everything from social networking integration to sites like Facebook and Twitter, to checking membership records online had to be implemented in these new websites and in order to do those things, we needed to do much more than just make the sites look good. We needed to overhaul the way we conduct business in just about every department in the organization.

In order to build up the current infrastructure of our operating procedures to get the end result we had all imagined, we needed to overhaul our custom made, in-house data basing program known as Police Trak, which had been in use at the PBA since the early 1980s. Police Trak is a very in-depth system that our membership records are housed in. It is a one-of-a-kind software system that

was developed around how the PBA had done business over the years and has evolved into somewhat of a infrastructural backbone of our association. There is one problem with Police Trak though. It could not "talk" to our websites, and that was going to be a problem for us moving forward.

When Police Trak was first developed, we did not even have web-sites as we know them today, so the technology used to build it is not in line with what we needed it to be in order to accomplish our goals. Do not get me wrong, Police Trak may have been developed using older software language, but as our association evolved, so did it. The original version was a MS-DOS based program. It is a







*The new PBA web sites give members more control over what they want to see. We have added the ability to interact with social networking sites like Twitter and Facebook with the click of a button. Members can now take advantage of the new "Member Center" section of the web sites that allow them to view and change certain aspects of their account from any web browser.*

monster of a program in its own right and the complexities of it still amaze me to this day. That is one reason we could not rush this project along. We were talking about doing a "brain transplant" on our association, and nothing could be rushed or taken lightly.

Knowing that we had a major task ahead of us, we felt it was essential to enlist the help of an outside company that specialized in the type of "surgery" we needed to perform. So in the fall of 2007, we began meeting with software companies from all over the Southeast. It was a long process, but we knew it was essential to find the right company for the job. We needed to be comfortable with whomever we chose to take on this task. But, more importantly, they needed to be comfortable with our way of business. The PBA is an association that definitely puts its members before anything else, and that means that we sometimes have to jump through hoops in order to make the PBA experience better for our members. So, we needed to know that whichever company we hired to help us develop this new "brain" of ours, would take that into consideration when trying to advise us on the best approaches to tackling this

***"Everything from social networking integration to sites like Facebook and Twitter, to checking membership records online had to be implemented in these new websites and in order to do those things, we needed to do much more than just make the sites look good."***

thing. After a few months of interviews and meetings with various companies in the software development industry, we made our choice. We decided to go with the very first company that we met with, Bridgeline Software located in Norcross, Georgia.

After we made the decision to bring Bridgeline on board and hire them to scope out the project, we were full steam ahead. Over the next six months we spent countless hours meeting with Bridgeline team members, both here at our main PBA office and at their Norcross, GA location, teaching them not only the inner workings of our current systems, but also the ideology of PBA and what we stand for. We called this initial phase of the project the "Discovery Phase" because it was in this stage that we had to develop a game plan and blue print of how we were going to develop this new system. Everyone was involved in providing input at this level. We met with just about every staff member and went through the details of their day-to-day activities. We took note of "wish list items" that everyone wanted to see incorporated in this system, and when it was all said and done, we had a blue print of what this thing needed to look and function like.

After the initial discovery phase was complete, we spent the next 15 months in the development stages. It was a long and tiresome process, to say the

*(continued on next page...)*

least, but in the end the reward will be well worth it. We have had close to 100 formal meetings with the developers there at Bridgeline perfecting the system and probably spent close to 1,000 hours on the phone with them tweaking things as we went through the process of developing the new system. We have spent long hours working closely within different departments making sure that nothing is overlooked. Thanks to a great group of people here at the PBA and an extremely intelligent staff of developers over at Bridgeline, Police Trak 2.0 is almost here and that is allowing us to get back to our original plan of redeveloping and tweaking our presence on the web.

The new system will allow us to make real time updates from the backend of the system in our main office to the web. We are lacking that ability now due to the restrictions of our current system. Now, when something as simple as making a chapter meeting change is necessary, we have to do everything manually across multiple platforms. With the new system, when those simple meeting changes are made in the backend of the system by our administrative department, it will get posted directly to the proper page on the web. If a chapter president makes a change to his or her email address from their member info page on the front end of the site, that email address will then automatically be updated on their chapter contact page. We are cutting out the middle man all together. What used to take a day or two sometimes to get updated, will be done in real time.

We are giving each member the ability to log on to their individual account and view things like outstanding balance, address, phone number, email, etc. Members will be able to make real time changes to all of those things as well as make payments directly to outstanding invoices or even change beneficiary information. I challenge any other law enforcement association out there to provide its members with this kind of service!

Although the biggest thing that we embarked on with this project was building a new and improved Police Trak system, the new look and feel of our websites will receive the most noticeable upgrade to the members. We are streamlining our web presence to be more attractive and easier to navigate for members and non-members alike. We are now

*Twitter and Facebook are great tools that we are now employing to help keep members and the general public up-to-date with PBA and PBF issues*



using Facebook and Twitter to communicate and RSS (really simple syndication) feeds will be available to web browsers and members who want to stay up-to-date on the happenings here at the PBA and the PBF. Look us up on Facebook and become our friend. Facebook is a great way for us to keep a more constant line of communication open with our members,

***“We are streamlining our web presence to be more attractive and easier to navigate for members and non-members alike.”***

and we plan on continuing to build our presence on social networking sites into the future. You can also follow the PBA and PBF on Twitter for all of the latest news in your state. You can find us at: [www.twitter.com/sspba](http://www.twitter.com/sspba) (Southern States PBA), [www.twitter.com/alpba](http://www.twitter.com/alpba) (Alabama PBA), [www.twitter.com/arpba](http://www.twitter.com/arpba) (Arkansas PBA), [www.twitter.com/pbaofga](http://www.twitter.com/pbaofga) (PBA of Georgia), [www.twitter.com/kypba](http://www.twitter.com/kypba) (Kentucky PBA), [www.twitter.com/lapba](http://www.twitter.com/lapba)

(Louisiana PBA), [www.twitter.com/mspba](http://www.twitter.com/mspba) (Mississippi PBA), [www.twitter.com/ncpba.org](http://www.twitter.com/ncpba.org) (North Carolina PBA), [www.twitter.com/scpba](http://www.twitter.com/scpba) (South Carolina PBA), [www.twitter.com/tnpba](http://www.twitter.com/tnpba) (Tennessee PBA), [www.twitter.com/vapba](http://www.twitter.com/vapba) (Virginia PBA), [www.twitter.com/wvpba](http://www.twitter.com/wvpba) (West Virginia PBA), and [www.twitter.com/pbfi](http://www.twitter.com/pbfi) (Police Benevolent Association, Inc).

The process has been a long and tedious one, but the overall outcome will be more than I could have imagined. Every PBA employee has spent time and energy trying to make this new “brain” the best system it can be while still keeping the members’ needs at the forefront. I would like to thank every PBA employee for offering the help and guidance we needed to make this thing happen. It has not been easy to accomplish by any stretch of the imagination, but in the end it will be efforts like these that keep the Southern States PBA ahead of all of the rest when it comes to member benefits and longevity.

Please make sure that you visit us online at [www.sspba.org](http://www.sspba.org) in the near future and see for yourself what all of the hype has been about. Please feel free to give me your feedback directly on anything that you see on the website or even things that you may want to see in the future. I can be reached at 1-800-233-3506, ext 734 or by email at [treichert@sspba.org](mailto:treichert@sspba.org).





## The Definition of “Mission Critical”

by Darren Hearsch

Vice President of Business Development - Bridgeline Digital, Inc.

It all started innocently enough...three people talking at a Starbucks in a small Atlanta neighborhood in mid-2008. The subject of the conversation revolved around a small organization called the Southern States Police Benevolent Association and its need for a new membership management system. My company (Bridgeline Digital) develops custom systems for a variety of industries and we've had a fair amount of experience in the Association market, so when the SSPBA approached us about this project we thought it might be a good fit. We had no idea what we were getting into...

I first met Tim Reichert and Tom Conroy a couple of years prior when they approached Bridgeline about helping them with a series of enhancements to their website. We discussed the business at a high level, presented a statement of work but unfortunately were never able to come to terms on the project. So we shook hands and parted ways. This time though, Tim and Tom were back discussing a much more complex project to build a new system upon which the entire busi-

ness would run. This was the definition of “mission critical.”

Due to the complexity of the project, our approach was to engage with

**“People were taking the opportunity to think about ways to improve their operations.”**

the SSPBA in a small “discovery” project which was designed to document the functionality needed for the new system. This project took place over a six month period and involved multiple face-to-face meetings and follow-up conference calls. It was an incredibly interesting project as discussions often arose asking the question “Why are we doing things this way?” which meant that people were taking the opportunity to think about ways to improve their operations. Over the past

15 years, the SSPBA had developed some processes that were in place due to limitations with the current software system known as Police Trak. Our goal in developing the new system was to remove those limitations and allow the business to operate in a much more streamlined manner.

To date, we have built and are now testing the new system which combines member database management, automated recurring billing, document storage, legal case management and a large variety of reports. In addition, the new system integrates with the public website to provide members with the ability to pay their dues online and update their account information.

On behalf of the entire team at Bridgeline, I'd like to thank the SSPBA for putting their trust in us to help with this critical initiative. The path has not always been easy; however, we are certain that this new system will revolutionize the SSPBA and put them in a position to grow the business and better serve their membership.



### Who Is Bridgeline Digital?

Bridgeline Digital is a developer of web application management software and award-winning web applications that help organizations optimize business processes. Organizations rely on Bridgeline's software and services to help maximize revenue, improve customer service and loyalty, enhance employee knowledge and reduce operational costs by leveraging Web-based technologies. Bridgeline's iAPPS® Framework and Product Suite are innovative SaaS solutions that unify Content Management, Analytics, eCommerce, and eMarketing capabilities – enabling business users to swiftly enhance, and optimize the value of their web properties. The Bridgeline

Digital team of professional application developers and services staff specialize in end-to-end website and web application design and development, information architecture, usability engineering, SharePoint development, rich media development, search engine optimization, and fully-managed application hosting. Combined with award-winning application development services, Bridgeline helps customers cost-effectively accommodate the rapidly changing needs of today's websites, intranets, extranets, and other mission-critical web applications.

A recipient of the Inc. 500 award for America's fastest growing companies, Bridgeline Digital has over 600 customers

ranging from middle market organizations to divisions of Fortune 1,000 companies that include: The Bank of New York Mellon, Marriott International, Citibank, Berkshire Life, EMC, John Hancock, AARP, National Financial Partners, The Packard Foundation, DTCC, Cadaret, Grant & Co., PerkinElmer, UBS, JB-Hanauer & Co., Omgeo, the Gill Foundation, The Commonwealth Fund, and the Smithsonian Institute.

Bridgeline Digital is headquartered near Boston, Massachusetts with locations in Atlanta, Chicago, Denver, New York, Philadelphia, Washington, D.C., and in Bangalore, India.

# P B F

*Police*

*Benevolent*

*Foundation*

The Police Benevolent Foundation, Inc is a tax-deductible 501(c)(3) organization established by the Southern States Police Benevolent Association, Inc. (SSPBA) in 2005.

Established in 1987, SSPBA has been serving its membership for 20 years. SSPBA is not a union. It is an independent association with no national or international affiliations.

The Foundation has a Board of Directors elected by the membership of the SSPBA. Foundation expenses are currently absorbed by Southern States PBA, making the Foundation one of very few such entities that gives 100% of the funds received to its intended purpose.

***Supporting Law Enforcement***

help us make sure our law enforcement officers and families have the support they deserve. become a supporter of the police benevolent foundation. go to our website to find out how you can be a part of the FOUNDATION!

**WWW.PBFI.ORG**





## When the Sheep Watch the Sheep Dogs: the Advent of the Citizen's Review Board

In the age of technology, it has become quite apparent that the actions of individuals are fruit for the conspicuous consumption of need-to-know news junkies. Technology has made it easy for your next door neighbor to assume the role as a sideshow journalist without having to consider ethics, truth, fact checking or even fairness. The internet makes it possible for the common man to acquire fame by building a coalition of followers through blogs and social networking sites. The increased popularity of video and camera phones has made it possible for amateurs to be transformed into short film, investigative photo journalists. On the surface, this is a positive thing. Citizens participating in the process of maintaining law and order in a community by becoming conscious observers can only add to its overall safety. People who choose to serve as ambassadors for the ethical and moral foundation of our society by bringing light to the dastardly deeds committed in the shadows of conspiracy under a vale of secrecy could possibly serve a greater good. More eyes on criminals makes the investigative tasks of police work less tedious and stressful on the economy and the work load of the departments. So, what happens when the watchful eyes turns against law enforcement and those charged with creating and interpreting the laws that regulate a society?

Dave Grossman, a renowned law enforcement professional, author and lecturer, compared the relationship that exists between ordinary citizens and law enforcement to that of sheep and sheep dogs. His comparison was that a community of people is like a large herd of sheep grazing in a pasture. He also compared law enforcement to the sheep dogs charged with protecting the sheep from the wolves – the bad guys. The problem is that it can be difficult to differentiate the sheep from the wolves. The



*by Marlon Trone - Executive Director - PBF*

wolves have become increasingly brilliant at hunting their prey. They mask themselves to blend in with the crowd – like a wolf in sheep's clothing. Additionally, there is a tenuous relationship that exists between the sheep and the sheep dog. The sheep know that they need the sheep dog to protect them from the wolves, but they don't really care to have the sheep dogs around. The sheep often feel as though it is the sheep dogs that have all the power, and some even feel as if the sheep dogs abuse their power. The irony of Grossman's assertion is that it is actually the sheep who are the most powerful player in the relationship – enter the citizen's review board.

It's no secret that the sensationalism that has consumed media reports has made it difficult to decipher fact from perception. Largely because the more legitimate news media is being challenged by internet reports and individual accounts of incidents, the local news reports can be quick to focus on negative, drama filled stories, especially those that reflect poorly on the establishment of law enforcement. This is not an indictment against the professionals that report the news, and no implication of any sinister plot to diminish or to target the profession of law enforcement should be assumed here. Mostly they are reporting news worthy incidents; however, when the level of reporting starts to shift the perception of police officers and distract

from the effectiveness of honorable law enforcement officers by scrutinizing the actions and decisions of officers in the field, there should be considerable discussion about the ramifications that might linger from such action.

Citizens Review Boards are becoming more commonplace around the country. If we are honest, the seemingly over zealous actions and in some cases abuse of power displayed by a small

fraction of officers has helped to popularize the idea of review boards and oversight councils in many city governments. Cities in California, Georgia, Alabama, Illinois, New York, and Washington are just a few of the areas where these citizen's review boards are starting to gain increased traction and support from city councils. These boards are often in addition to the regulatory agencies that have existed to oversee the actions of law enforcement agencies – the internal affairs departments, the state investigative bureaus, Attorneys General Offices, and the federal investigative offices are all charged with protecting the civil liberties of citizens even when those liberties are violated by police officers. In Atlanta, a decision was recently made that increased the power of its review board by granting it the power to subpoena and a limited punishment power of local law enforcement officers. Without addressing the reasons or attempting to de-legitimize the efforts and philosophy of city leaders or the review board itself, there appear to be basic concerns that should be addressed when cities make the choice to follow this path of regulation. The effectiveness of the officer will certainly be diminished because many officers might begin to second guess their training and ultimately their decisions in many situations. What happens if officers decide that it may be more costly to their career to respond

*(continued on next page...)*

to certain situations that have proven to be potentially more troublesome in a legal sense? When officers are reacting to situations in the field, many times the decisions they make are the result of their training, they are ingrained in them like an instinct. This is done to save lives. If we take away that instinct or cause that officer to hesitate, what do we tell a victims family if the hesitation results in death? What do we tell the officer's family if his hesitation results in his own death? In a profession where an officer's survival is inextricably linked to protocol and his unrelenting commitment to following orders, the injection of a citizen's review board lends itself to impeding or distorting the flow of information and the directives of police administrators. It is difficult, some would say virtually impossible, to serve two masters. As in any profession, any job, or any trade, isn't the common practice to make it easier for individuals to perform tasks? The role

of leaders, effective leaders, should be to provide better resources, training, and equipment that will increase the effectiveness and productivity of the workers. In order to realize objectiveness and accomplish established goals, perhaps leaders should consider removing obstacles from the paths of these officers rather than placing more hurdles on the track.

It is easy to understand why a community would be concerned with the actions of law enforcement officers if there are innocent people being victimized or not so innocent people being abused or violated – that's easily objectionable and shouldn't be tolerated in any society. It seems as though, in many cases, we have become a judge first/understand later society. We make our own decisions absent pertinent information, and then we hope that the facts support our preconceptions. That may be acceptable in spiritual realms; however, absent the existence of an ultimate deity on

which to bestow our faith and understanding, we should probably operate from a much more knowledge-based, fact driven conception of society. Allow police officers to perform their duties in the manner in which they were trained and instructed so that lives can be saved, homes can be protected, and families can be kept intact. We have seen the over scrutinization of teachers not only decrease their effectiveness in the classroom, but it has diminished the respect of the profession and driven good teachers from the profession. These professions share many commonalities in that they are both low-pay, high stress, under respected careers. Our schools and our police departments are both under staffed. What will happen when good law enforcement officers decide to make a mass exodus from the profession because the risks, stress and scrutiny just don't justify their desire to serve the community?

## 2009 Arkansas Division Fundraiser Goes "Hog Wild"

**T**he Arkansas Division held a fundraiser last year to help raise money for the Police Benevolent Foundation (PBF). We had a good return on what we invested on the endeavor, and hope to do it again with more money being raised.

We did this project to raise additional funds for the PBF. As we all know the PBF is the 501(c)3 non-profit that raises money to give to the PBA. They are also the side of the house that the scholarships for our members' children who wish to continue their education in college come from.

The fundraiser was called "Hog Wild." Tickets to the South East Conference (SEC) football game between the Arkansas Razorbacks and the Mississippi State Bulldogs was the prize. The game was held in Little Rock on November 21, 2009.

Raffle tickets were distributed to Chapter Presidents and members who volunteered to help. They were sold to anyone who wanted to either support the



*ARPBA Division President Scott Hicks (right) presenting the winner of the "Hog Wild" contest, Sgt. David Hall (left), with his prize.*

PBF/PBA or is/was a football fan. The raffle tickets were sold for \$2.00 each or a six-pack of tickets for \$10.00. There was \$1400.00 in raffle tickets sold.

The drawing for the football tickets was held on November 14, 2009. Present at the drawing was Arkansas Division President Scott Hicks, Arkansas Division Senior Vice President Kyle Keller, Arkansas Division Vice President Ken Barton, and Arkansas Division Staff

Representative Sam Keller. President Hicks had the pleasure of drawing the winning raffle ticket.

The lucky winner was Sgt. David Hall, who is an investigator with the Faulkner County Sheriff's Office. Sgt. Hall was contacted by phone immediately after his ticket was drawn. Arrangements were made by President Hicks to meet with Sgt. Hall to deliver the tickets to the game.

As mentioned we plan to do this again, only

this time we plan to get tickets to the game between the Razorbacks and the Louisiana State University (LSU) Tigers. This game is always a good one, as the schools are huge rivals.

If you are interested in helping sell or buy raffle tickets to this game please contact your chapter president or the ARPBA executive director. Their contact information is on the AR Division web-site, [www.arpba.org](http://www.arpba.org).



# When Disaster Strikes

....the Foundation Wants to be Ready

*by Marlon Trone*

*Executive Director - Police Benevolent Foundation*

**W**hen disaster strikes, it can be difficult to adjust to all the changes that are associated with loss of property and sometimes the loss of lives. The PBF is dedicated to helping law enforcement officers and their family members deal with all the adverse effects that accompany the recovery process. Our dedicated law enforcement officers who managed to struggle through the rebuilding and rebirth of the Gulf Coast after hurricane Katrina know this all too well. Over the past year, the Foundation has participated in several disaster relief fund-raisers to assist officers who were affected by the flurry of natural disasters that occurred in our nation. From the floods that hit the Metro-Atlanta area to the state of Virginia which saw much of its tranquil city life interrupted by massive water swells, the Foundation did its best to reach out to local supporters and

organizations to ask for help for all of the individuals affected.

When tornados roared through Arkansas and Alabama towns, the Foundation sent out requests to thousands of supporters and launched a massive email campaign to help raise money for the officers and their families who were wiped out. Some of these families lost everything that was near and dear to them – some even lost family members.

It is important to remember that one of the founding purposes of the Police Benevolent Foundation is to provide aid and support to law enforcement officers during times of disaster – whether natural or man-made. So often we collect donations in support of the families of fallen officers or for scholarship, but it is easy to overlook the need to be prepared when disaster strikes.

In recent days, there has been

lots of information passed back and forth. Many experts have spoken about America's need to be prepared for attacks. Because no one can truly know when the next act of terror might occur, funding must be ready and the Foundation must be ready to assist the law enforcement officers who will be tasked with the challenge of responding to such an event. Likewise, the disasters that struck the Gulf Coast, the tornados and floods that dominated the headlines also occurred in rather unpredicted circumstances. A shift in weather pattern can happen in an instant leaving a community to suffer in the wake, and its citizens will be left to rebuild their lives. We cannot do enough to be prepared to spring into action. When you give, please remember to consider given to the disaster relief fund. The Foundation wants to be prepared when disaster strikes.



*by Marlon Trone  
Executive Director  
Police Benevolent  
Foundation*

## AND AROUND THE NATION

If you haven't seen an episode from the first season, then you are missing one of TLC's best reality shows – "Police Women of Broward County." Gone are the days when cop shows featured testosterone driven males breaking down doors and chasing bad guys down dark alleys. The Police Women of Broward County have demonstrated that they have the resolve, determination and drive to run with the big boys. These women are an example of growth and transformation that has occurred in the profession of law enforcement.



# WHO ARE THE POLICE WOMEN OF BROWARD COUNTY?

## Ana Murillo



Ana Murillo is a no-nonsense, strong willed member of the Strategic Enforcement Team who spends her time in some of the toughest neighborhoods in Broward County, Florida. She participates in stakeouts, kicks down doors and wrestles some of the toughest criminals and gang affiliated males to the ground. She doesn't take crap from anyone – brandishing a motto: “Go ahead and try me.”

## Andrea Penoyer



Andrea Penoyer is labeled the “total package” by the people at TLC. She is a 26-year old member of one of Broward County’s anti-crime task force. As the only female member of the task force, Andrea has to keep up mentally and physically with her male counter-parts as they work undercover and on stakeouts to bring down crime elements in South Florida.

## Julie Bower



Julie Bower is a detective in the sex crime division of the Broward County Sheriff’s Office. She is a 48 year old mother of three who takes her job seriously, and she performs her duties with all the passion – and sometimes compassion – required to rise through the ranks by performing her job effectively.

## Shelunda Cooper



Shelunda Cooper is the newest member of the sheriff’s office. She is a 25-year-old road patrol deputy who is married to another member of the sheriff’s office. She has spent lots of time riding solo on the midnight shift responding to 911 calls that have proven to be quite interesting, to say the least.

The Police Benevolent Foundation was granted an exclusive interview with Detective Julie Bower. During the course of her busy day, in between court appearances and solving crimes, Detective Bower managed to carve out a little time for speak with us. Among the items we discussed was the increased demands placed on her professional and socially as a result of her appearance on the show.

*(continued on next page...)*



officers, especially those who have seen victim after victim suffer at the hands of criminals, and it is easy to see how pessimism can corrupt the outlook of even the most kind-hearted officer. I talked with Julie about how officers can become jaded by their experiences, and we also discussed how she dealt with the stress of the job and the pressure of being a woman in a male-dominated profession.

**Marlon** - Have you found it difficult as a female officer to be accepted in the same way as a male officer, or is the environment getting better for female officers?

**Julie** - It's hard to say, because I've been doing this for 15 years now. When I first started, I was the only female on midnight [shift] and they kinda didn't like it - just because it was way back when. I think there are more females now so it's not like that so much. But you have to earn everything you get, you know. When I joined the dive rescue team I was the only female. That was something I wanted to prove not only to myself but to other guys that woman can do anything that guys can do. Like, where I'm at [it] is the best place to be because you have all the major crimes and you have a lot of respect. Nobody treats you like a kid. You know what you're doing. You're kind of like your own independent contractor because, you know, agents kinda supervise you if necessary, which it really isn't. They just read your reports. If there is anything grammatically [wrong] they fix

**Marlon** - How does your family feel about you being selected to be on the show, and how do they feel about your role?

**Julie** - When we [family] were interviewed, we really didn't know what it was, then we figured it out really quick: In the beginning, of course, it was strange because you have a camera girl, audio, the show producers - It's like you're paparazzi girl walking around with all these people and I'm at the public safety building, which is the main building and everywhere I go there's a camera crew behind me. It took a while to get used to. You have to learn how to talk.

**Marlon** - How does the taping of the show affect your ability to do your job?

**Julie** - You know you have to be comfortable. You have to concentrate because, you know, you can't be affected by what's going on. The number one thing is to get these guys in jail that are doing these bad things.

**Marlon** - Because most law enforcement type shows feature predominately male officers, what impact do you think your show will have on the perception of women in law enforcement and in the profession as a whole?

**Julie** - I think that a lot of the public really doesn't understand what we do. You see cops and people are getting arrested, but this is actually our real lives, cause

most of us are single moms and raising children and doing this whole thing by ourselves.

During the interview with Detective Bower, it was apparent that she was a natural - that she was born to serve her community. Detective Bower has a tough exterior needed for tracking bad guys, but also has a compassionate, graceful inner core that allows her to appreciate the difficult circumstances that her victims and sometimes the accused find themselves in. She doesn't shy away from personal contact and interaction with her neighbors and member of her community. Instead, she embraces the privilege of serving and protecting the people of Broward County.

Talk to some law enforcement





it. I don't feel like there is any difference. I feel like we're all friends. It's like a big family. I love going to work. I love all the people I work with. You know most people just hate getting up in the morning - I look forward to it, cause every day's different. It's a challenge.

**Marlon** - Do you find it tough to balance your life as a professional law enforcement officer and your popularity as a TV personality?

**Julie** - I am what I am! What you see is what you get. What you hear right now - I tell it like it is. If you don't like me, that's too bad, and I happen to enjoy people. I love people. I love learning about different people. And, I don't feel bothered by anybody coming up to me. People come up and give me hugs and thank me for what I do. And I think it's awesome! It makes me feel appreciated - like I'm doing something worthwhile.

**Marlon** - How do your fellow officers feel about the show and the attention that comes with it?

**Julie** - Unless someone is talking behind my back that I don't know about - everybody seems cool with it. So many people like the show and what it represents, that how can it be a bad thing? And if people are saying bad things against you, then you know they are either jealous or just not seeing the totality of what we are doing or it's a guy thing being chauvinistic - I don't know.

tic - I don't know.

Like many public figures or even the average officer who may participate in undercover and more covert operations to capture criminals, Detective Bower and I discussed her role on "Police Women of Broward County" and whether she felt that it had any adverse effects on her ability to perform her duties. Julie Bower is an officer who is really comfortable in her own shoes. A dedicated mother who gives her best on the job and in her private life with her children, Julie doesn't shy away from acknowledging her notoriety has brought a little more attention than usual.

During our conversation, Julie

reflected on the intensity and the often severity of consequences that exist in what she does - its effect on crime and the effect criminal actions have on victims. With no hesitation or parsing of words, she spoke about her dedication to getting bad guys off the street so that they cannot hurt the innocent victims in her community. Julie is particularly aware of the urgency and deliberate need to remove sex offenders from our society by locking them away for an extended period of time so that they cannot harm the youngest members of our communities.

**Marlon** - Do you sometimes worry that having such a physical presence might affect your undercover work?

**Julie** - No... no, I mean, actually [lately] a lot of the victims, when they see me they are like "I'm so glad it's you," cause they have already seen me on the show, and they feel like they can trust me and feel comfortable, which is kinda of cool you know.

**Marlon** - What is your most memorable case or your most memorable moment on the show?

**Julie** - I have a lot of high profile capital cases, you know, there's a lot of them. I think that the ones that affect me most are the children that are raped or molested, cause you know, I have kids and that's the most heinous of crimes to me. We had this case recently where this 17-year old

(continued on next page...)



boy was impersonating a police officer and pulled a 9-year old into a port-a-potty at a park and... you know, raped him.

**Marlon** – How do you deal with the stress that comes with being a law enforcement officer?

**Julie** – In the beginning, I was probably more emotional than I am now. You have to develop a thick skin and just disassociate yourself; otherwise, it's difficult to deal with it because you're sitting [and] looking across at someone whose just done this horrific crime and you gotta be cool about it because the objective is to get a confession and make sure they go to jail for the rest of their lives, so they can't re-offend anymore, you know. And the way that I guess I deal with it [is] I jog every day. I go to church twice a week. I have my 7-year old who is like my 'Cal-gon take me away' kind of thing.

**Marlon** – Any words of advice for women who may be considering entering the profession?

**Julie** – I feel like if that's what you want to do, follow your heart [and] that women can do whatever men can do. And, if people tell you that you can't, don't believe them and just have faith in yourself - empower yourself [and] you know, just do what makes you happy.

If you haven't tuned in to catch an episode of "Police Women of Broward County," then by all means, you should. It is a refreshing look at the evolution of law enforcement, and it is also a high impact, riveting hour of good guys versus bad guys – and the good guys usually win. As an organization, the Police Benevolent Foundation has great appreciation for the struggles and sacrifices that law enforcement officers make. These brave women are mothers, wives, and daughters who place themselves in harm's way on a daily basis. Like every other police officer who makes that same choice, any day could be their last. This is why the PBA and the Foundation exists – to serve officers like Julie Bower, Shelunda Cooper, Ana Murillo and Andrea Penoyer – and officers like you who protect ordinary citizens from the bad guys. Let's all get involved and take part in the growth and service to our law enforcement officers. We are all a part of the Foundation.

## Saving Lives: The Mission Continues

by Marlon Trone

Executive Director - Police Benevolent Foundation



In 2009, the Police Benevolent Foundation, Inc. set a goal to establish a program that would address the needs of law enforcement officers in an area often overlooked by many agencies in the United States. The Behind the Badge program was created in that same year to help meet the needs of law enforcement officers by addressing the effects of stress on the profession. The costly effects of job related stress on the profession of law enforcement is perhaps the most deadly killer of our heroes in blue because it can introduce a number of health and emotional issues for even the most well adjusted, iron clad officer. More than their chance of being shot by criminals, more than their chance of being killed in a car accident – a cop's decision to take his or her own life more than doubles that of either of the previously mentioned activities. The Foundation has made it a priority to combat this issue and to diminish the rising trend of law enforcement suicide.

Since the first PTSD seminar in June of 2009, the Foundation has held three additional seminars in the state of Mississippi. These seminars were coordinated by Tommy Simpson, Executive Director of the Mississippi Division, with support of the Mississippi LEAPS program, which is a statewide suicide prevention program initiated by the RCTA in Mississippi. The first was held in Gulf Port, Mississippi, the second in Oxford on the campus of Ole Miss University, and the third seminar was held in Pearl at the Mississippi Law Enforcement Officer Training Academy. The instructor for all three seminars was Mr. Tim Rutledge who is not only a dynamic speaker, but

also well versed in saving the lives of fellow officers. His program is designed to reach out to cops where they are – on their level. It is a no-nonsense, results oriented approach to getting cops who may be having difficulty finding direction back on the right track.

"When your car is broken, you go to a mechanic to fix it. When your body is sick, you go see a doctor to fix it. When your brain is having trouble, why wouldn't you want to have that fixed as well?" Tim Rutledge says.

This is common sense for many of us. It makes sense, but a certain stigma has always existed around the mental health industry. Many people, even outside of law enforcement, have viewed counseling as a sign of weakness rather than simply a trip to the doctor's office. One of the additional objectives of the Behind the Badge program is to help educate not only officers, but their family members, their friends and even the general public about the need and successes of getting officers treated and back in the swing of things.

As the program continues to grow and more requests are made for seminars throughout the South, it is important that we are able to spread the word about this silent killer. The more people who become educated and informed, the more likely we will be able to reduce the number of officers who choose to take this path rather than asking for help. If you would like to host a seminar, contact the Foundation at 800-233-3506 ext. 735, and if you would like more information or to make a donation to support this program, visit the foundation's website at [www.pbfi.org](http://www.pbfi.org).



## Mississippi PBA Awards Division Scholarship for 2009

**T**he Mississippi PBA Board of Directors has selected Leanna Ferguson as the recipient of the 2009 Police Benevolent Foundation Scholarship for the Mississippi Division. This scholarship provides Ms. Ferguson with an award of \$1,000.00 to be utilized at any institution of higher learning of her choice. Ms. Ferguson is the daughter of Tim and Melisa Ferguson of Pontotoc, MS. Tim Ferguson is a 16-year law enforcement veteran, currently employed with the Pontotoc Police Department.

In May of this year Ms. Ferguson completed her high school education at Pontotoc High School with a GPA of 3.72. She will be attending Itawamba Community College for her first two years of college and then plans to attend the University of Mississippi in Oxford. Leanna has been very engaged in activities at her school and church as well as in her community. She is a member of the Beta Club, Spanish

Club, Future Educators of America, High School annual staff, 4-H, First Baptist Youth Group and Choir, Diamond Girl and the Pontotoc Youth Leadership Team. In addition to this, she has been employed part time for the past two years at the First Baptist Church in Pontotoc, Ms. Ms. Ferguson has demonstrated herself to be a high academic achiever who is actively engaged in her community.

Police Benevolent Association, Inc. The foundation is funded through contributions from public donations from individuals and the business sector, as well as members and staff of the association. Southern States PBA pays all administrative cost of the foundation, assuring that 100 percent of all donor contributions go directly to the charitable purposes of the foundation.

The \$1,000.00 scholarship was awarded to Ms. Ferguson on May 15, 2009, at the Pontotoc Police Department. The scholarship award was presented by Mississippi PBA Division President Chris Skinner and Northeast Chapter President Chris Robertson.

These scholarships to deserving young adults are made possible through the Police Benevolent Foundation, a charitable foundation founded and administered by Southern States



*L-R - Chief Larry Poole - Pontotoc P.D., Rob Anderson-Union County S.O., Chris Skinner - MSPBA Div. Pres./UMC Police, Leanna Ferguson- scholarship recipient, Chris Robertson - Northeast Chapter Pres/New Albany P.D., Tom Ferguson - father of recipient /Pontotoc P.D.*

## Dear Police Benevolent Foundation.... Thanks for the Scholarship!

*by Leanna Grace Ferguson  
PBF Scholarship Recipient*

**T**his year has just flown by, but it has been an exciting time in my life. There are so many things that have been brand new to me; I may not be able to tell about it all. Being the scholarship recipient of the PBA scholarship, I was able to not only go to college, but to also get to live over there. With a few other scholarships, my parents did not have to pay for tuition, housing, meal cards or registration. Actually seeing the invoice, I realize how much the PBA scholarship helped my family out so much. So thank you again for giving extra to the Foundation that provides scholarship money.

The first thing I had to get used to was living in an area just a little larger than my bedroom at home, but having to

share that space with 4 other girls. We got to know each other well, really well. It was a blast, and I have made some lifetime friendships from it. My first semester I took 19 hours and ended up with a 3.41 GPA and I was very proud of my grades. I felt confident after that first semester and took 21 hours the spring semester. I also took 2 online classes. That was so different than being in a classroom, but it was a wonderful experience. I will probably take other online cases.

The food was definitely not like home, but I adjusted OK. I even shed a few extra pounds instead of gaining the dreaded "Freshman 10" I heard so much about. I even took advantage of the wonderful gym we had access to. It was

fantastic. I also played on an intramural basketball team. We sure did have a good time. I have been on the annual staff at school and can't wait till I see the pages I designed and did. My fingers made a little history and it was a good learning experience. I will be able to open that book up and say "I did that layout." I have been to football, basketball, baseball and softball games. I have made midnight runs to Huddle House and Wal-Mart. All in all, college has been an awesome experience for me and I really look forward to what lies ahead next semester.

(By the way, my dad (the policeman) has been over to my dorm unannounced and found me studying in my room.

## Police Benevolent Foundation Check Presented to Survivor Beth Hutchens

by Randy Byrd  
NCPBA Division President

**O**n April 30, 2010, Beth Hutchens was presented a Police Benevolent Foundation check by NCPBA Division President Randy Byrd at a luncheon in honor of her husband Sgt. Mickey Hutchens. Sgt. Hutchens, a PBA member and Winston-Salem officer, was shot in the line of duty on October 7, 2009, while pursuing a suspect on foot. He succumbed to his injuries several days later. Through the PBA benefits package, Beth was able to receive a death benefit. In addition to this benefit, a fund was set up through the Police Benevolent Foundation to raise additional money for the Hutchens family. The Police Benevolent Foundation is a charitable arm of the PBA which provides aid to the families of our fallen members, scholar-



*L - R - Joyce Plouff - wife of fallen officer Sgt. Howard Plouff, Lou Taylor - Winston-Salem Chapter President, and Beth Hutchens - wife of fallen officer Sgt. Mickey Hutchens.*

ships to well deserving youth, and funding for law enforcement officers in times of natural and man-made disasters.

Numerous members of the Winston-Salem Chapter were on hand including Winston-Salem Chapter President Lou Taylor. Executive Director John Midgette and PBF Advisory Board member Brett Moyer were also in attendance along with Joyce Plouff. Joyce lost her husband, Sgt. Howard Plouff, in the line of duty in 2007. Sgt. Plouff was also a Winston Salem officer and PBA member. Joyce worked with the PBA to pass legislation in Howard's honor that enhanced benefits for survivors of officers who lose their lives in the line of duty (SB-411). She made several trips to Raleigh with chapter members to speak on behalf of the legislation. She also offered poignant remarks at the bill signing ceremony when the legislation became law.

As part of the luncheon, Beth and Joyce were presented framed Patrolman's Journal magazines by the PBA. Sgt. Hutchens had been on the cover of the most recent edition and Beth had written a beautiful article about his legacy. Sgt. Howard Plouff had been featured on a previous cover with an article about Joyce's efforts in honoring him through the passage of SB-411. These framed

covers will serve as a lasting keepsake for both of them.

Beth and Joyce offer incredible examples of determination and grace in the face of extreme adversity. Lou Taylor is also to be commended for her efforts in moving the chapter forward during these difficult times. On January 11-13, 2010, a contingent of Winston-Salem chapter members led by Lou and Beth attended the "Traumas of Law Enforcement" seminar in Charlotte, N.C. The seminar was sponsored by Concerns of Police

Survivors Inc. (C.O.P.S) and prepared participants for handling a line-of-duty death. The Winston-Salem Chapter is using the information from the seminar to develop a peer support group within the Winston-Salem Police Department.



*Framed cover feature of Sgt. Mickey Hutchens from the Patrolman's Journal that was presented to Beth Hutchens*



*Framed cover feature of Sgt. Howard Plouff and the passage of SB 411 from the Patrolman's Journal that was presented to Joyce Plouff*



## The Pain Behind the Badge

by Clarke Paris

President/The Pain Behind The Badge  
Sgt/LVMPD

**A**sk any police officer if they like being considered courageous and the answer will most likely be “No.” However, some will say “Yes.” Either way, the fact remains that without fear, there can be no courage. Most police officers do not like to admit that they have ever been scared or have battled emotions that may have been caused by what they dealt with while on the job. Those bottled-up emotions and past experiences that accumulated over more than two decades of police work are what led to my emotional struggle and eventually, the creation of “The Pain Behind The Badge.” I call this accumulation of emotions “Cop Stew.”

“The Pain Behind The Badge” was my idea for a documentary movie about police stress. It was not until I began my research when I learned that more police officers commit suicide than are killed by assailants. I am sure every cop in America will agree that is a completely unacceptable statistic.

As I teamed up with 100Watt Productions and filmed “The Pain Behind The Badge,” we believed, based upon the topic, that Television Networks would be interested in this movie to a point where they would argue over rights to air it. Even though “The Pain Behind The Badge” won two international awards, not one television network wanted anything to do with the one-hour feature documentary about police stress and suicide.

It was the lack of interest on behalf of the television networks and the increasing number of requests I received for me to give lectures about the movie and its topic.....Police Stress and Suicide,

that caused “The Pain behind The Badge” to transition from a documentary film to an eight hour training seminar on the same topic.

Slightly more than two years ago we presented the very first “The Pain Behind The Badge” seminar. We have since presented that same seminar to

and many more. The smallest group we ever presented to consisted of 6 people, and the largest was nearly 700 attendees representing more than 60 agencies.

This eight hour seminar addresses General Stress, Cumulative Stress, and Post Traumatic Stress Disorder (PTSD) as well as how to deal with and reduce that

stress. We address agency and personal liability, the impact stress can have on our health, types of help available from counselors and E.A.P. (Employee Assistance) to Eye Movement Desensitization and Reprocessing (EMDR), and why officers don’t accept it.

As in most seminars, we show statistics, but some of the factors that make TPBTB so unique are topics we have coined such as “Perception Protection” (correlation between a police officer and his/her psychological protection and a football player and his protection), “The Progression of Stress” (When an officer’s stress level increases from ‘0’ to ‘10’) and an entire new meaning for the acronym S.I.P.D.E. We always show the one hour feature documentary movie as well as several other clips, photos and graphics to maintain interest.

Another element of this seminar that makes it so unique and powerful is the portion referred to as “Spousal Involvement.” This portion of the training is presented by Tracie Paris, a registered nurse with 27 years experience in ER, Trauma and Surgery Departments. The fact that she is not just a registered nurse, but the wife of a police officer, increases the dynamics and level of emotion for all in attendance. Tracie explains how, even with all of her experience, training, and

(continued on next page...)



Clarke and Tracie Paris

thousands of police officers, civilian police employees and spouses representing more than 100 police agencies, associations, unions and conferences. Some of those agencies include VA Tech Police Department (after the 33 student massacre) and Lakewood Police Department (after 4 of their officers were murdered as they sat in a coffee shop). Other past attendees/sponsors include the International Conference of Police Chaplains (ICPC), FBI/NAA, Police Departments, Sheriff’s Agencies, Unions, CISM Conferences,

a great relationship, she never noticed not even one symptom of her husband's stress. At the end of her presentation, Tracie describes what to look for, what to expect, and how to help your spouse, significant other or family member deal with any of the stressors caused by the job of law enforcement. No one is immune from PTSD or Cumulative Stress.

"The Pain Behind The Badge" is not dark, nor is it depressing. In fact, this is a day of training that cops can relate to. Attendees will laugh and they will cry (based on past seminars). Most importantly, they will go home knowing that any emotions they may be battling are no different than the emotions of thousands

of police officers across the U.S.

The statements we hear most frequently after a seminar are "I wish I had brought my spouse," "This seminar changed my life," "This training should be mandatory for all law enforcement."

I always tell people I wish the success of 'The Pain Behind The Badge' was a result of dynamic presentations, an award winning documentary movie, and a perfect delivery of the subject matter. Unfortunately, I believe the success of this seminar is a result of the growing epidemic...police stress that results in police suicide.

Truly, there is one thing I enjoy more than being a cop, and that is help-

ing cops. I will close by sharing the two simple objectives of our program and ask that if you are a struggling officer or know of one, take these two objectives to heart and take a step towards taking care of yourself. You are one of America's heroes! The man or woman behind that badge deserves to be treated like a hero.

1. Should you be struggling (as a result of personal or professional life), you are not alone.
2. The psychological help that is in place for police officers DOES work. Use it if you need it.

**[www.thepainbehindthebadge.com](http://www.thepainbehindthebadge.com)**  
**(702)573-4263**

## Conversations With Our Donors

*by Marlon Trone*

*Executive Director - Police Benevolent Foundation*

**F**rom time to time, in my role as executive director, I receive calls about our fundraising campaigns, and often, the callers voice concerns about their misconceptions regarding how and where their contributions are used. As an organization, we willingly and happily address the concerns of our donors because we want to be clear and transparent in our fiduciary responsibilities. Since our inception, we have maintained the highest level of fiscal integrity with every dollar that is donated. We have been able to continue our mission to use every dollar for its intended purpose.

The Foundation does not use donations raised to cover any administrative costs, salaries, or marketing. Every dollar contributed is spent on law enforcement officers and their beneficiaries.

Because of the fraudulent activities that have existed within the corporate world and the unscrupulous behavior conducted by some organizations in the non-profit sector, many supporters have grown weary of charities. They have become pessimistic and skeptical about



the business practices of public charities, and many have begun to question their integrity.

Recently, I received phone calls from two citizens who were previous donors to the Southern States PBA and now the Foundation. The first donor was irate about what he perceived as a lack of support in the wake of the death of his son-in-law who was a law enforcement officer in the state of Arkansas. He stated

that he could no longer support our organization because he felt that his daughter was being left to struggle financially. His points of contention, which all were the result of local bureaucratic red tape, included slow disbursement of insurance benefits, disconnect or lack of assistance from the local department, and in some cases, denial of benefits he thought that were owed to his daughter as a result of his son-in-law's death. His dismay with



the treatment they have received led him to criticize, unjustly, the very organization that exists to provide aid to families of fallen officers. In the midst of his tirade, I managed to explain to this gentleman that we were not connected to the department or the local decision makers, and we were not the persons who had dropped the ball in his case. I also explained that had his son-in-law been a member of the PBA, he would have received the aid and support that our members' beneficiaries received – without all the red tape. Even though I knew his anger was displaced, I listened to this gentleman curse and complain because I understood his pain and frustration. I thought that it was the least I could do for the survivors of a fallen hero.

On a separate occasion eerily related to the previous incident, the husband of a long time North Carolina donor called to ask that he be removed from our mailing list. His complaint was that he felt organizations like the PBA and the Foundation were really unnecessary. In a blunt and almost arrogant tone, he asked - "Why should I donate to cops?

They are government employees and the government should take care of them. Times are tough, so let the government take care of them." Understandably, this donor was under the impression that people actually did the right thing by law enforcement officers. I mentioned that not only can governments be slow and lax in their support for law enforcement officers, but most don't even want to pay them a decent salary to risk their lives to protect our homes, our families, and our communities – I made sure to emphasize the I point that I included the protection of his family and his community in the risk these officers take. His rebuttal: we should elect a better president.

The point of this article is not to criticize the donors or to make light of their willingness to help those in need. There is a broad disconnect in the perception that some people have of the profession of law enforcement that extends beyond simply cops performing their duties. This misinformation and misrepresentation of the profession even exists in some people who have supported law

enforcement officers in the past. What does it say about a society that cannot comprehend the need to support the family of an officer who has given his life in the midst of defending his community? We see military men and women who serve in our armies, and rightfully we salute them. We see police officers who serve our communities – and our country – and we look for ways to admonish them.

The reason that the PBA and the Foundation exist is to help families like the one in Arkansas who has yet to receive any benefits from the death of their loved one. We exist to help the officers in the Gulf who managed to honor their sworn duties and man their posts during Hurricane Katrina. We exist to help the family in North Carolina whose husband and father responded to an incident outside a local bar and lost his life in a shoot out. Most of all, we exist to ask for help for the brave men and women who are too proud and too honorable to ask for themselves. Please donate; it really does make a difference.

## Congratulations!

### The Eastern Coastal Chapter Wins the North Carolina Directors Award

In 2007, the Police Benevolent Foundation announced an awards program to recognize and encourage member participation in the growth and development of the Foundation through fundraising activities. The Director's Award was created to recognize the chapter that raises the most funds in its division in a year. The Eastern Coastal Chapter's efforts in the North Carolina division led to them receiving the Directors cup for their efforts in 2009. The Eastern Coastal Chapter was able to work with Enterprise Rent-A-Car to secure a substantial donation for the Foundation along with several other donations. On April 12, 2010, John Midgett, the Executive Director of the North Carolina division was on hand at the regular meeting to present the Director's Award to the chapter leadership. Congratulations to the Eastern Coastal Chapter, and thanks to Enterprise Rent-A-Car for their contribution!



*NC Executive Director John Midgett presents plaque to Sr Vice President Mike Perkins accepting on behalf of President Justin Guthrie.*

# PBA Legislation Clarifies the Law Regarding the Special Separation Allowance

## Local Governments Now Have Clear Direction on the Issue

by Randy Byrd - NCPBA Division President

*Thanks for the  
hard work!*



Rep. Tricia Cotham



Senator Floyd McKissick



Rep. Jennifer Weiss



**Rep. Tricia Cotham with Bill Supporters**

(L-R) PBA Member Mike Perkins, PBA Member Andrew Chilton PBA Member Justin Guthrie, PBA Member Lori Strickland, PBA Member Jason Tyndal, Rep. Tricia Cotham, NCPBA Legislative Chairperson Randy Byrd, PBA Member Matt Pearson, NC Association of Chiefs of Police Legislative Liaison Tom Younce, and PBA Member Kevin Clodfelter

**O**n July 31, 2009, HB 816 was signed into law by Governor Beverly Perdue. This bill was introduced at the request of the PBA by Rep. Tricia Cotham. Rep. Nelson Dollar, Rep. Marian McLawhorn and Rep. Jennifer Weiss also joined the bill as primary sponsors at the request of the PBA. Senator Floyd McKissick sponsored the companion bill (SB -986) in the Senate. The PBA worked with representatives of the North

Carolina Sheriff's Association, the North Carolina Association of Chiefs of Police, the Fraternal Order of Police, and the North Carolina League of Municipalities on the final bill language that became law.

HB 816 is legislation that clarifies the law regarding the special separation allowance provided to law enforcement officers under the local governmental employees' retirement system. For over twenty years in North



Rep. Marian McLawhorn



Rep. Nelson Dollar





## If You Don't, Who Will??

by Mark Fallis - Diamond Lakes Chapter President - ARPBA

Carolina, law enforcement officers have been entitled to a monthly separation allowance if they retire after 30 years of service or after reaching the age of fifty-five and having served at least five years. This separation allowance is paid until the retiree reaches the age of sixty-two.

The original statute, passed in 1986, covered state law enforcement officers. These officers were allowed to retire under the statute and work full time for local government without forfeiting the separation allowance. In 1987, additional legislation created a statute that covered local law enforcement officers. The General Assembly also provided two half-cent tax increases to fund the program. The statute gave the governing body of each unit of local government responsibility for making determinations of eligibility and making payments to retired local officers under the same conditions as for retired state law enforcement officers. Over the years, there have been conflicting opinions as to the intent of the statute governing local retired officers. This resulted in local governments interpreting the law differently and making rules related to their retirees. Therefore, determination of eligibility and payment of benefits varied from local government to local government. In some instances, these rules didn't allow retired officers the opportunity to work full time for state government in any capacity. HB 816 now provides direction on this issue. Officers or deputies retiring from local government, who otherwise meet the eligibility requirements, will now be able to work in any full time capacity for state government and receive the separation allowance. In addition, a local government employer may employ retired officers in a public safety position that doesn't require participation in the local governmental employees' retirement system, and doing so shall not forfeit the officer's separation allowance.

The passage of HB 816 offers advantages for both retired officers and local law enforcement agencies. Retired officers will be allowed to continue to serve a vital role in their communities, and local law enforcement agencies will be provided with staffing opportunities at a critical time for law enforcement. The PBA is appreciative of the legislators and organizations who worked with the PBA on this important piece of legislation.



**A**s we all know being a member of the PBA gives us the best legal protection you can have as a law enforcement officer for critical incidents and disciplinary actions. But, did you know it means more than that? It means MUCH more than that! It means helping your fellow officers and their families. It seems that we now live in the "ME" generation and it seems a lot of people only care about themselves. The attitude of "if it does not affect me, I don't care," is the mindset of our times. Where will we be in 20 years if some of us don't change our attitudes and look at the bigger picture?

Members, this "ME" outlook is absolutely the wrong one to have. If you are not willing to take a little portion of your time out of your busy schedule to help your fellow officers, then how can you expect them to do the same for you when you need their help? What do you do when no one has time to help you?

Maybe you are not one of the members that is described in the above paragraph; maybe you don't have a clue as to what all the PBA does. You could also be a member who does care and has tried to be there when a fellow officer needed help, but have reached the point that you don't know what to do anymore. We can only continue to fight the good fight, so to speak, and keep working together and spreading the word of what the PBA has to offer to every law enforcement officer and their family and not giving up on our cause.

If you are one of the members

who is unaware what is going on, please allow me to give a brief rundown of what takes place in your local chapter. For every 10 members your department, there is one seat on the chapter board to represent them. The board members serve on the board for three years. During their term the board members are asked to attend the monthly chapter meeting. The meeting usually is about an hour to an hour and a half in length. In these meetings, issues such as laws and policies are discussed. What can we do to make them better for us? If an officer has asked for help with a disciplinary action, this is where it usually begins. We also meet and work with elected officials, whether they are city, county, or state. We meet with them in order to work with them for the betterment of benefits, equipment, and working conditions for law enforcement and our families.

Being a board member is not a difficult task; however, it is a very important one. The only real requirement is that you care and have a willingness to help. Be able to dedicate a few hours a month to attend the chapter meeting and then pass on that information to the people you represent at your agency. It really doesn't take much to be involved. It doesn't matter if you are a rookie who just started yesterday or if you are a salty old dog who is able to see the end of their law enforcement career. For you old hands who fit into that category, the PBA has retired chapters so you can continue your membership after you leave active duty. Contact your chapter president or staff rep. for information on this.

The Diamond Lakes Chapter encompasses ALL agencies in Garland, Hot Springs, Montgomery, Pike and Saline Counties. There are currently board position seats that need to be filled in each and every department that has members in our chapter. We need people who will give just a little of themselves; are you one such person?

If you are interested in being a board member to represent your agency and stand up for your fellow officers and future officers, please contact me by phone or email.

If you don't, who will??

## Commonly Seen Practices Prove Fatal To the Success of Many Chapters

by Tommy Simpson - Director, Organizational Services, West Region

**T**oo often when a chapter fails or is unsuccessful and floundering, the root of the problem can be traced back to the lack of communications and unproductive meetings. If you have chosen to be engaged in the leadership of your chapter as chapter president, or a board member, THEN LEAD; DON'T JUST EXPECT EVERYONE TO AUTOMATICALLY FOLLOW.

I do not believe that leaders are born rather than made. I believe that anyone who has the passion and the will to learn and practice the traits of good leadership can be a successful leader. What separates the leaders from the cheerleaders is their passion to lead, their willingness to do what it takes and the ability to inspire those around you.

Communication can often be overlooked by leadership in a mistaken assumption that everyone else knows because they do. Thus they fail to adequately communicate with others who are important to the success of the overall mission. The power of communication is immense when utilized properly. To harness this power for the benefit of your chapter there must be an exchange of communication between the leaders and between leaders and the general membership as well. Members of your chapter have got to be informed of what you as a leader are doing and why you're doing it. They have to know there is something worthwhile going on to gain and hold their interest, let alone their participation and support. Failure to adequately do this is a sure recipe for failure. As a leader of your chapter, you must share with members the vision of where your chapter is going, what is to be accomplished and how that relates to them. If a leader doesn't know what is important or of interest to the members and the members don't know what the leaders of the chap-



ter are doing, how can you possibly hope to be successful?

A good example of the power of communication and how it applies to the growth and unity of an organization is the current Tea Party movement.

**“Another serious mistake is an assumption by chapter board members that the chapter president has all the power and that the chapter can't do anything unless the president wants to.”**

Whether you personally agree or disagree with their purpose or belief is not relevant here. What is relevant is to realize that two years ago there was no Tea Party and now there are millions of people a part of the movement. As the communication has continued informing people of what the organization stands for and what it hopes to accomplish, the growth of the movement has continued as well. This

is the power that can come from good communication.

Another serious mistake is an assumption by chapter board members that the chapter president has all the power and that the chapter can't do anything unless the president wants to. When this assumption exists, little usually gets done; when little gets done, most lose interest. Next thing you know you're having meetings with yourself. Every member of a chapter board

of directors has a vote on issues that come before the board. Every board member has the same power and opportunity and responsibility to appropriately bring an issue to the board for a vote. The collective vote of the board members determines what the chapter will or will not do. It is the responsibility of the president and all board members to carry forth the decisions of the board which are properly made on behalf of their membership. This is where that thing called “unity” comes in handy.

There is often a presumption by leaders that the success of chapter meetings is determined on the attendance of general membership. This is far from the truth. The number of members at a chapter meeting will never determine its success or productiveness unless those members are the board members themselves. This is the whole purpose for board members. They exist for the purpose of representing the interest of their membership. If they are fulfilling that responsibility they will know what those interests are. Southern States PBA represents over 22,000 members. There has never been large numbers of general membership present at board meetings. Every one of these meetings I have ever attended since 1984, were successful and productive in regard to addressing the business of the





association and the needs of membership. What will determine the success of a meeting is the communication which takes place prior to during and after the meeting the preparation for and organization of the meeting and whether each member of the board has fulfilled their responsibilities since the last meeting. Leaders cannot leave a board meeting and give no thought to PBA activities or the needs and concerns of their members until the day of the next meeting; it just will not work. Board members need to be communicating with each other and with the members they represent in regard to PBA issues.

There should be a meeting agenda prepared for every meeting and distributed to all board members several days prior to the meeting. With the

means of communication available today this should be quite easy to accomplish compared to the good old days. Having a meeting agenda is imperative to the success and productivity of a chapter meeting. All board members have a responsibility to bring forth issues of concern to their members to be discussed or considered by the board. The president is to establish the meeting agenda and ensure that it is distributed to all board members in advance of the meeting. This gives all members knowledge of what issues are to come up at the meeting and provides ample time to do a little research on the matter, talk to members they represent and determine their position and comments. An agenda keeps a meeting on track and focused, which not only makes it more productive, it also keeps a

one hour meeting from becoming a two hour meeting. The chapter president in his leadership capacity must essentially provide oversight to this whole process. If a board member is never available to communicate with, routinely does not show up for meetings or never brings issues or concerns forward to the agenda, a president needs to find out why and take appropriate action.

Communication, a vision of purpose, an ability to inspire others and a willingness to take on the task are all it takes to make a good leader. Assess the operation of your chapter, and its level of success. If it is not doing well, consider the implementation of the various processes discussed here. I believe it will serve you well.

# PBA Candidate Interview and Endorsement Process Continues to Lead from the Front

*Municipal Elections Offer Opportunity for Members to Participate as Stakeholders in the Political Arena*

*by Randy Byrd - NCPBA Division President*

**T**he North Carolina Police Benevolent Association (PBA) candidate interview and endorsement process continues to lead as a catalyst for positive change for law enforcement officers in North Carolina. This process offers a unique opportunity for members to participate as stakeholders in the political arena; educate future and current elected officials on issues that are critical to law enforcement officers; and develop long-term relationships with those officials.

In 2009, the Raleigh, Cary, North Mecklenburg, Eastern Coastal, Wake County, and Mountain chapters conducted screenings for candidates seeking office in various towns and cities in North Carolina. Candidates seeking office were invited to meet with the membership and answer questions of vital importance to law enforcement and members represented by the PBA. Endorsements were given to selected candidates

based on the candidates' responses in a graded format.

Nowhere is the candidate interview and endorsement process more important than at the local level with municipal elections. Council members are the closest legislative body to municipal officers and are empowered to make budget and policy decisions that have far-reaching implications for officers' everyday lives. In many races, the PBA endorsement serves as a critical component for candidates running against incumbents or those seeking to retain their seats in a re-election campaign. Jackie Holcombe beat an incumbent to become the new Mayor of Morrisville on November 3, 2009 and understands firsthand how valuable the PBA endorsement can be. According to Holcombe, "Endorsements can increase turnout and provide additional information to voters who may be undecided. The PBA endorsement lets

voters know that the candidate is trusted to support local law enforcement officers and address concerns regarding their welfare and public safety." Holcombe also recognizes the importance of the endorsement on a personal level and the efforts of officers to build relationships through the PBA by stating, "In our small town, our law enforcement community is highly regarded and the endorsement of the PBA is an honor I am proud to have received. Not only do our officers work tirelessly to protect our community, but their relationship-building efforts are recognized as service above-and-beyond the call. I look forward to working closely with our Morrisville police officers."

Jennifer Robinson was an incumbent candidate for the District A seat in Cary. Her race became the classic example of why every vote is important and how the PBA endorsement can be pivotal in a close race. Robinson

**Mayor Jackie Holcombe**



**"The PBA endorsement lets voters know that the candidate is trusted to support local law enforcement officers and address concerns regarding their welfare and public safety."**

**Cary Town Council Member  
Jennifer Robinson**



**"The process was very organized and served both to educate the candidates on matters that are important to the PBA, as well as give the candidates an opportunity to convey what they hope to accomplish while in office."**





met with members of the Cary chapter on August 3, 2009 and received their endorsement for the October 6th election. The PBA offered financial support for her campaign and input for a mailer to Cary residents that demonstrated her support of various law enforcement initiatives. The mailer also included a picture from the candidate screening and a quote from the chapter president. A PBA press release was picked up by the local newspaper and the ensuing article highlighted the endorsement. Robinson also prominently displayed the PBA endorsement on her web site. Although Robinson got the most votes in a four person race, she was unable to avoid a run-off election with the second place finisher. She needed three more votes to win the election outright and avoid continuing to the November 3rd election. The PBA continued to offer support to her campaign and produced a radio ad in the week before the November election. Robinson also used the PBA logo in an ad that her campaign ran in the local newspaper. The radio and newspaper ad were instrumental in her run-off election victory, as she won with 53% of the votes. Robinson summarized her

appreciation in a note to the chapter president and the PBA. "Thank you so much for your incredible help throughout my campaign for re-election. Your contributions to the campaign clearly brought in votes. I really appreciate your funding of our public safety mailer and, especially, the awesome radio ad! I look forward to working with you to make Cary an even better place to live and work!"

Holcombe and Robinson were also complimentary of the candidate interview process that led to their endorsement. Holcombe noted that the PBA process was professional and thorough. She said, "Having uniform questions and supporting documentation in advance were keys to assuring a fair, equitable process and members conducting the interviews did an excellent job representing the PBA." According to Robinson, "The process was very organized and served both to educate the candidates on matters that are important to the PBA, as well as give the candidates an opportunity to convey what they hope to accomplish while in office."

Jackie Holcombe has been a Triangle resident for 20 years and has

resided in Morrisville since 2002. She and her husband, Rick, have two daughters, Kristin and Lindsay. Holcombe is involved in special-needs-advocacy, especially as it relates to Lindsay, who has Down syndrome. Holcombe is the owner of a small home-based business that provides employment opportunities for those with special needs.

Jennifer Robinson moved to Cary from Virginia in 1995 to work in the software industry. She became active in local government issues soon after moving to Cary. As a community activist, she advocated on behalf of her neighbors for many years and served on Cary's Growth Management Task Force. In 1999, she was appointed to serve the last two years of a seat on the Cary Town Council. She has subsequently been re-elected to the Cary Town Council three times. Robinson lives in western Cary with her husband, Paul, and their four children.

The PBA is looking forward to working with Holcombe and Robinson on future issues and continuing the positive relationship that has been developed.

## My Transition From Public Service to Police Service

by Sean McGowan - VAPBA Executive Director



**O**n May 29, 2009, I retired from the Alexandria Virginia Police Department after having served twenty-five years. I parked my Police Harley Davidson in the motor bay at 10am and was escorted home by my friends and co-workers for the last time. The experience was truly bittersweet.

On June 4 2009 I was sitting in

a meeting room in McDonough, Georgia at the Southern States Police Benevolent Association headquarters as a full time employee charged with the duties of Executive Director of the Virginia Division. My retirement lasted less than one week.

This series of events in my life came as no surprise and had been planned out in discussions with President Jack Roberts months before. I eagerly looked forward to the new experiences and challenges my career change was sure to bring.

I have found during this past year that my personal devotion to the "good of the order" fits in seamlessly with the goals and objectives of the Southern States Police Benevolent Association's employees, officers and management. Never before have I worked with a group of professionals like them, driven to help and protect law enforcement officers as they carry out their oath of office. On an almost daily basis I am calling membership, legal, the mail center, computer and IT services, and the executive offices with

requests for help, supplies, advice, guidance and ideas. I have been in contact with leaders from other states to discuss cases, legal issues and recruiting ideas. I have found that, without exception, the person on the other end of the phone is not only willing, but anxious to help me do my job to serve my chapters and members in Virginia.

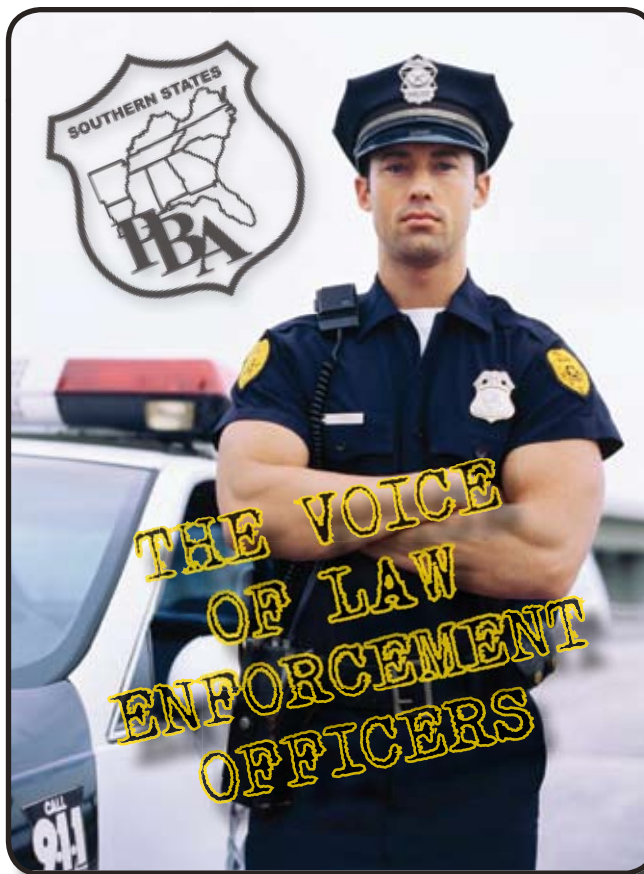
This devotion to the membership, and an unmatched set of benefits, are the reasons the Southern States Police Benevolent Association stands out among labor support organizations. I look forward to increasing membership totals and building local chapters who will increase our political involvement. I look forward to the 2011 session of the General Assembly, where the Virginia Division will gain increased recognition and support. Most of all, I look forward to being the link between the Southern States Police Benevolent Association and a member, who by our collective actions, knows they are not alone.

# "We Do What They Do For Less" .....Really?

by Randy Byrd  
NCPBA Division President

Several law enforcement associations continue to use the PBA for comparison in their recruiting efforts. They readily acknowledge the PBA as the standard bearer by claiming that their association can do what the PBA does but for less money. This method of recruiting would be humorous, at some level, if not for the seriousness of proper member representation in today's law enforcement climate and the fact that the information is misleading, if not false. The reality is that some officers fall for this line without realizing the serious implications of what they are doing.

The biggest mistake is joining an association without a complete review of their legal package. For the PBA members, this package is clearly defined. With the approval of the chapter board, the PBA provides staff/attorney representation in administrative cases where members have been unfairly disciplined as a result of a duty-related action. The PBA will also provide an attorney to protect the individual interests of a member if they are named as a defendant in any civil or criminal actions arising out of their duties as a law enforcement officer. This benefit is an automatic benefit with NO CAP or LIMIT. This coverage includes an attorney responding, when necessary, to the scene of on-duty shootings or serious injuries arising from the actions of a member. This representation not only attaches at the inception of a case, but continues throughout the defense of the member and covers all costs associated with any covered case. The cost to retain an experienced attorney and to hire an expert witness to defend a case can easily exceed \$50,000. The PBA is on record with defending members in amounts well over \$100,000. The PBA also has developed a network of attorneys throughout the Southeast that can respond in a member's geographical area. These



attorneys and staff representatives are available 24 hours a day through a hotline number that is available to members. A timely response by an attorney is one of the most critical components in defending a law enforcement officer in a shooting or a serious injury situation. Other associa-

***"The biggest mistake is joining an association without a complete review of their legal package."***

tions that try to sell their services on price alone conveniently fail to mention this and other facts about their legal plan. They simply play on the paycheck of a potential member as a recruiting tool.

As with any purchase, the proof is always in the details, and the PBA's

benefit package doesn't end with legal representation. The PBA's accidental death benefit is also second to none of any law enforcement association. If a member is killed in the line of duty, their beneficiary will receive the member's base salary for one year up to \$60,000. These members' families also have a direct line to the Police Benevolent Foundation where additional funds can be contributed by businesses and members of the community. These contributions are tax-deductible, and 100% of these funds go directly to the member's families.

Associations that promote the "same for less" theory should also have to explain their record in the political process and the General Assembly. The PBA candidate interview and endorsement process continues to lead from the front as a critical benefit to members. This process

requires that political candidates meet with PBA members and answer questions of vital importance to law enforcement and members represented by the PBA. Based on the candidates' responses in a graded format, endorsements are given to selected candidates. This political process has led to more sponsored, supported, or authored legislation in the General Assembly than all the other North Carolina law enforcement groups combined.

At the end of the day, the choice is clear. The PBA has a benefits package and record of accomplishment that is unsurpassed by any other association representing police officers in the Southeast. Other associations can claim to do what the PBA does for less, but the truth is this. You get what you pay for. No officer would want their vehicle, equipment, or training shortchanged for a few dollars. Why would they accept anything less in protecting their careers and their families?





## A Short Look at the Legal Aspects of Civilian Review Boards

by Grady Dukes - Staff Attorney, Southern States PBA

**C**alled by different names, Civilian Review Boards or CRBs have been around in various formats for years. However, they have recently been discussed with more frequency within the southeastern region of the United States as they are applied to law enforcement. The formation of such boards often occurs in response to actual or perceived abuses of power by law enforcement officers. These “reaction formation” CRBs often are proposed without any or with insufficient thought for the protections of the officer that strives to do the best job possible. In some cases, these boards can even discipline officers.

CRBs in some formats do serve a positive function in that they can serve to advise a governmental agency of concerns of the citizens and to give input as to reasonable changes in agency policy. However, many times CRBs are proposed with a “hang’em high” attitude toward law enforcement officers who, it is alleged, may have done something improper. This often occurs when political leaders do not fully understand the nature of law enforcement work and/or are seeking political cover regarding a certain situation.

The failure to understand and appreciate the intricacies of law enforcement can be innocent on the part of the political leaders of government agencies, as well as those that who eventually sit on CRBs. One simple example: if a suspect threatens to shoot an officer and points a firearm at the officer, it matters not if the officer shoots the suspect once or 10 times, the officer’s actions were justified. It might not have “looked good,” or “He was only 16,” or “Why didn’t the officer shoot to wound him?”—the fact is,



the suspect committed a violent felony against a law enforcement officer who has the same right of self defense that any other person possesses.

Included in these legal intricacies is what is considered a strange concept to many politicians and community activists— that law enforcement officers have rights. It is okay if an alleged “victim” of a police action doesn’t want to testify or cooperate, after all, it might keep a “victim” from filing a complaint if they must sign a statement or testify. But it is often the perception that it is okay to FORCE an officer to do the same thing. This is a critical area in the formation and operation of CRBs. Officers must be aware of a potential area of concern as it relates to statements given outside the mandated Internal Affairs umbrella. As you are probably aware, generally speaking, ordered statements given under the umbrella of the rights guaranteed by the U.S. Supreme Court case of Garrity vs. New Jersey are not admissible outside the

civil arena, except in cases where they are used to impeach one’s testimony. Depending on how the CRB is structured, these Garrity protections may not be sufficiently in place to protect the rights of the officer during a CRB inquiry.

Another area of concern includes the protection of an officer’s personal information that is exempt from disclosures under a state’s freedom of information act, but yet is given to the CRB.

If talk begins concerning a CRB, **DO NOT IGNORE IT!** Get involved up front to determine everything about it, including the following: (1) what event(s) occurred that brought the issue to the forefront; (2) the structure of the

proposed CRB, including the qualifications to sit on the CRB, and who appoints and/or approves the appointments to the CRB; (3) the rights of the officers who are under investigation, and (4) whether the CRB only can recommend certain actions, or can it actually discipline the officer.

The formation of the CRB will become a political issue at some point. This type of issue is why the SSPBA encourages members to get involved in the political process. This is the type of situation that is addressed best during the early stages by political involvement.

If talk of a CRB begins concerning your agency, please contact us with the details. If you are already functioning with such a system, please let us know that as well. We are particularly interested in those situations where officers have had negative experiences with CRBs.

If you want to do nothing, that is your choice. After all, it is only your job, or more, that could be at stake.

# Stay Up To Date

## Log on to [WWW.SSPBA.ORG](http://WWW.SSPBA.ORG)

# Collective Bargaining for Georgia Police Officers: Will It Happen?

by Joe Stiles - PBAGA Executive Director

Georgia's "right to work" laws, a general perception by elected officials that public employees are second-class citizens, and the strong anti-union sentiments in the South have severely hampered the ability of public employees to negotiate for pay and other benefits.

Unfortunately, Georgia law is mostly silent on collective bargaining as it pertains to public employees, with two exceptions: public school teachers under OCGA § 20-2-989.10 are prohibited from bargaining, and certain city fire fighters under OCGA § 25-5-4 are allowed to bargain. However, as of 2009, there is not a single police association in Georgia that has collective bargaining. The biggest problem we face is that our governments are not required by law to recognize any police association or other group for the purpose of collective bargaining. In fact, state contract law under OCGA § 32-4-113 appears to prohibit municipal governments from entering into contracts with city employees.

While there is no state law recognizing the right of any police officers to organize as a bargaining unit, there are several laws that prohibit police officers from participating in or encouraging others to participate in any job action, i.e., strike, slow down, sick outs, etc. OCGA § 45-19-1 thru § 45-19-4 identifies several prohibitions and consequences of most job actions a traditional union might consider. Of course, police officers have the additional hurdles of professional ethics standards, departmental policies, and an oath of office to consider prior to any police employee bargaining activity.

Currently, there is no federal assistance for local and state employees in Georgia who wish to organize as a collective bargaining unit. The National Labor Relations Authority (NLRB) serves as an oversight and resource for unionized employees; however, it specifically exempts state and local governments from its purview. All of this means that there is presently no legal mechanism in place to compel a Georgia public employer to recognize any employee group, election, letter of intent, contract, or any other employee attempts to express their concerns.

Over the years there have been

several state and federal legislative attempts to institute collective bargaining rights for Georgia police officers. In Georgia, at least two attempts have been made in the state legislature: one (SB 668) in 1997 and another (HB 606) in 2005. Neither bill ever came up for debate in their assigned committees and died with very little support. Currently, in the U.S. Congress there are two bills that virtually every police association is working to get passed. HR 413 and S 1611 are intended to give police officers the opportunity to organize for collective bargaining purposes. It is sad to note that both bills are nearly identical to legislation that has been introduced and died in Congress over the last two decades.

HR 413 and S 1611 are very weak bargaining bills, but are a good



starting place for police officers in states like Georgia. The major weakness of these bills is the lack of binding arbitration. Under the proposed legislation, government employers would be required to meet with a duly recognized employee association, but they would not be required to honor the association's recommendations or demands. As an example, assume your association determines you need a 10% pay raise, but your city government says they will only give you a 3% raise. An arbitrator comes in and looks at your evidence supporting a 10% raise and the city's evidence supporting a 3% raise. Let's assume the arbitrator decides that the 10% raise is well justified. It looks good for a 10% raise, right? Wrong. Without binding arbitration, this is just the arbitrator's opinion, and while he or she supports your request, the city does not have to accept the arbitrator's decision.

What happens if HR 413 or S 1611 passes and is signed into law by the

President? The National Labor Relations Authority will have 180 days to determine if Georgia law meets the minimum requirements of the collective bargaining law as outlined by the bill (as you know, it does not). The state legislature will then have two years to pass legislation comparable to or better than the bill. However, if the state or any employer is not satisfied with the initial decision by the NLRB, then they have 60 days to appeal the decision to any U. S. Court of Appeals and the legislative time clock is on hold. If the state loses its appeal and the legislature fails to meet the deadline or the minimum standards, then the NLRB would establish collective bargaining guidelines for Georgia. Of course, Congress could decide that it had made a mistake and vote to repeal the legislation. But no matter what passes, state officers will probably have to face the additional problem of overcoming the 10th Amendment of the U. S. Constitution, similar to what they have faced with FLSA issues.

Many D.C lobbyists who represent police associations are saying a collective bargaining bill will pass in 2010. However, in reality this isn't likely to happen. The majority leadership has already decided that the bill must pass the Senate first. In 2008, southern Senators (both Democrats and Republicans) were successful in killing similar legislation by amending it to death. The current Democrat majority in the Senate will not be enough, unless police officers across the South can solicit a firm commitment from their senators to support the passage of this legislation.

For Georgia officers, favorable federal legislation is our only hope for collective bargaining, and it is essential that everyone who wants to have the opportunity for fair pay and benefits works to pass this legislation. You better believe every chief and sheriff in Georgia will be working to kill HR 413 and S 1611.

Call Senator Saxby Chambliss at 202-224-3521 and Senator Johnny Isakson at 202-224-3643 or go to their websites <http://www.chambliss.senate.gov> and <http://isakson.senate.gov/> and let them know that you support S 1611.





## Getting Involved in the Political Venue is a Crucial Role for PBA

by Jeff Fluck - Director of Governmental Affairs



SCPBA Members with 9th Circuit Solicitor Candidate, Blair Jennings. L-R Sean McWilliams, Gary Zimmer, Blair Jennings, Dave Soderberg, Tim Brooder, Micah Fogle

**L**aw enforcement officers, no matter their employing agency, are affected by politics on a daily basis. Because we are public employees, elected officials determine every aspect of our job. They determine pay, benefits and working conditions. In some agencies, they even dictate items such as schedules and assignments.

As law enforcement professionals we can either blindly take what is given or become an active participant in our own destiny. Politics will always be a part of our job. With PBA we have a choice: we can become involved in the process or become a victim of the process. The choice is yours.

The PBA endorsement is the result of a long-standing, well-tested and respected two-step process. The screening/endorsement process begins with the invitation of all legitimate candidates to an interview (screening) with a committee of PBA members. The candidates are questioned, one at a time, on issues of importance from the membership. The committee makes recommendations for endorsement to the appropriate Board of Directors (local, state or national). The Board considers the committee's recommendation and any additional information relevant to the candidate's ability to advocate for the members, then votes on

the endorsements. PBA policy forbids endorsements of candidates that do not participate in the screening process.

The PBA is a Non-Partisan organization. Candidates are endorsed based on their positions on issues of importance to the PBA membership (pay, benefits & working conditions).

This year the Southern States Police Benevolent Association has an opportunity to elect eighty-three members to the United States House of Representatives. In the US Senate, the struggle over power seems to balance over one seat from time to time. This year, the PBA has an opportunity to send Senators from seven of our states to Washington for the 112th Congress. Will law enforcement officers from Alabama, Arkansas, Georgia, Kentucky, Louisiana, North Carolina and South Carolina step up and make a difference?

Equally, if not more important, are elections being held in state houses across the South. The closer to home the elections, the more likely the effect on the employees. In 2010 the state legislatures in seven states are up for election, as well as executive branch positions in five. These elections are key to improvement of work conditions for all law enforcement officers.

## Frequently Asked Questions for the Legal Department

### What are the requirements for eligibility?

*The member must be in good standing (with dues up to date) at the time of the incident and at the time he or she requests legal service – with no breaks in membership – and must maintain membership throughout the course of representation.*

### Are all types of incidents covered?

*The incident must arise from the officer's performance of a law enforcement function to be covered.*

### Is chapter approval required for representation?

*Only in grievance and disciplinary cases. Legal defense incidents such as shootings, serious accidents, or death in custody situations do not require chapter approval for representation.*

### If I quit law enforcement while being represented, does coverage continue?

*No. Leaving law enforcement disqualifies you from SSPBA membership and makes you ineligible for continued coverage.*

### Am I covered in off-duty jobs?

*SSPBA does provide legal service for law enforcement functions carried out in an off-duty job approved by your department.*



Do y



Visit  
[www.sspba.org](http://www.sspba.org)  
or more info



**Do you know what  
the PBA  
can do for  
YOU?**

## A New Approach To Recruiting

by Terry Nowell - Director of Training and Research

Since the beginning, the Southern States Police Benevolent Association has insisted that chapters recruit their own members. In the past, SSPBA has even required chapters to have a Membership Committee whose primary function was to recruit. The reason recruiting is seen to be so important is because "membership is power."

Recruiting members is important to attain influence both internally and externally. To attain influence internally within a law enforcement agency represented by a SSPBA chapter, chapter membership must be at least fifty percent plus one. With a membership over 50% of sworn officers within an agency, that chapter represents the majority of officers. An elected chapter president can and should speak on behalf of his membership. A wise law enforcement administrator will recognize the chapter as a link to his or her rank and file officers. Through monthly or quarterly meetings between the agency administration and chapter president, issues can be resolved prior to becoming problems and new ideas can be presented and discussed informally. This level of cooperation can only be achieved if the chapter represents the majority of officers in that agency.

External influence is ob-



*Terry Nowell is the Director of Training and Research for the SSPBA.*

tained when a chapter that represents its officers gets involved politically. When the chapter

**“Recruiting members is important to attain influence both internally and externally.”**

involves itself in local and state politics, the chapter leadership influences not only its own membership but also the profession as a whole. The smart politician knows that your membership represents potential votes in an upcoming election. The law enforcement influence with the public is very powerful. Our politicians realize that, but I'm not sure our own

members and chapter leaders do. Our elected representatives want to be seen as supportive of law enforcement personnel and their issues. However, if you, the rank and file officers do not let them know your issues, the politicians will provide support for someone else's issues. In less than a year, the Southern States Police Benevolent Association (SSPBA) has added an additional four recruiters to the staff to assist chapters in their recruiting efforts. These four recruiters are active, at this time, in Georgia, South Carolina, North Carolina and Virginia.







## Meet the Newest Recruiters



### Nick Meadows

Nick Meadows lives in the Stockbridge, Georgia area and is a Georgia native. Nick has been married for 14 years to his wife, Cindy. They have two daughters, Madison (13), and Gracie (7) as well as (2) Labrador Retrievers. Nick's hobbies include working out, Florida State football and water sports. Nick was hired and has been recruiting in Georgia for one year. Nick recently assisted in forming a PBA chapter in Griffin, Georgia. Nick travels the state recruiting on a weekly basis. If you would like Nick to assist in recruiting in your area or you are interested in joining the PBA in Georgia, give Nick a call at 404-606-5800.

## SOUTHERN STATES

### Doug Cook

Doug Cook makes his home in Newberry, South Carolina, where he was born and raised. Doug is the proud father of a daughter, Heather Rae, a sophomore in college and; son Josh, who is a sophomore in high school. Doug's interests and hobbies include spending as much time with his children as possible. His main hobby is fitness and bodybuilding, which he has a passion for. Doug is a Certified Personal Trainer and works with several people when time permits. Doug has successfully competed in numerous bodybuilding shows, as recently as three years ago. He also enjoys watching all sports and playing golf when possible. Doug has been with PBA for nine months and initially concentrated his recruiting efforts in the Columbia vicinity. The membership in the Columbia area has increased from 22 to 84 in a seven month period. The officers of the Columbia Police Department are currently in the process of forming a new PBA chapter. Doug is responsible for recruiting in the entire state of South Carolina as well as the city of Charlotte, North Carolina. If you work in South Carolina or Charlotte and would like to speak with Doug about recruiting and membership, call him at 803-924-5754.



### Tommy McKoon

Tommy McKoon was born in Winston-Salem, North Carolina. He and his wife, Nancy, have two children, Mike (43) and Sherry (41), as well as two grand-children, Tom and Todd. Tommy and wife recently moved to the Wilmington area. Tommy's interests include photography, reading, the North Carolina coast and spending time with his wife and family. Tommy McKoon works the eastern portion of North Carolina, including the South Eastern Chapter, Sand Hills/Cape Fear Chapter, Neuse River Chapter, Crystal Coast Chapter, Eastern Coastal Chapter, Roanoke Valley Chapter and the Albemarle Chapter as well as the Myrtle Beach, South Carolina area. If you live in the eastern coastline area and you need assistance recruiting, call Tommy at 336-409-9396.

### Jason O'Brien

Jason O'Brien lives in Durham, North Carolina. He is a former Raleigh police officer of five years where he was a member of the PBA. His hobbies include fitness and helping others achieve their fitness goals by exercise. Jason also enjoys playing golf, working out, beach trips and hiking. Jason is working with chapters in the state of Virginia as well as the Raleigh Chapter, Wake County Chapter, and Cary Chapter in North Carolina. If you are from Virginia or the Wake County, North Carolina area and have questions about recruiting or membership, call Jason at 919-604-4856.



# Senate Bill 411 Passes into Law - Bill Passage Provides for Officers' Families Who are Killed in the Line of Duty

by Randy Byrd - NCPBA Division President



*Governor Perdue signs SB 411 into law*

**O**n Tuesday, June 16, 2009, Senate Bill 411 was passed into law by Governor Beverly Perdue in a very special ceremony in the Old House Chambers of the State Capitol Building.

SB 411, Amend Survivor's Alternate Benefit, provides that the survivor of an officer killed in the line of duty may choose a life-time pension benefit rather than a onetime withdrawal of the funds that the officer contributed to the state retirement system. The bill also sets the required time in service of the officer at 15 years for the survivor to receive this benefit. Before the introduction of this bill, contributions by the officer and earned interest were simply returned to the beneficiary.

This bill was introduced at the request of the PBA and filed in honor of Winston-Salem Police Sergeant and PBA member Howard Plouff. Sgt. Plouff was shot and killed in the line of duty after responding to assist fellow officers on February 23, 2007. Sgt. Plouff was a 17 and 1/2 year veteran officer who left behind his wife and high school sweetheart, Ms.

Joyce Plouff, and two daughters.

Ms. Plouff is a courageous woman whom legislators came to respect and admire for her grace and determination. She made several trips to Raleigh to speak on behalf of the bill in committee meetings. She also spoke at the ceremony. Her poignant remarks demonstrated the bill's importance in human terms and deeply moved those in attendance.

Ms. Plouff was joined at the bill signing by the bill sponsors and co-sponsors in the House and Senate that included Rep. Larry Womble, Rep. Earline Parmom, Rep. Earl Jones, Rep. Annie Mobley, Rep. William Wainwright, Senator Pete Brunstetter, and Senator Linda Garrou. Winston-Salem Police Chief Scott Cunningham and Winston-Salem Chapter President Lou Ellen Taylor led a delegation of Winston-Salem officers in support of Ms. Plouff. PBA leaders at the chapter and state level also came to show their support. Senator Brunstetter and Rep. Womble spoke about their support of the legislation along with Governor Perdue. In her comments, Governor Perdue said, "This is a piece of legislation that says we are standing up for what's right."

The PBA will continue to work on this issue in the future. During this process, there were many favorable comments by legislators that supported lowering the eligibility requirement even further. The PBA is extremely grateful to the legislators who supported this critical piece of legislation. Their action signifies their support of the men and women who sacrifice every day to make North Carolina a safer place.



*Governor Perdue speaking about SB 411*



*Joyce Plouff speaking as Governor Perdue looks on*



*Senator Brunstetter speaking about the importance of this critical legislation*



*Womble offers comments about his support of the legislation*





## A Hero's View of the PBA

by Daniel Clark - Winston-Salem Chapter Member



Joyce Plouff and Governor Perdue exchange a heartfelt hug



Joyce Plouff speaking with bill sponsors Rep. Larry Womble and Rep. Earline Parmon before bill signing as Winston-Salem Chapter President Lou Taylor looks on



Sgt. Howard Plouff



I am Officer Daniel Clark with the Winston-Salem Police Department, and I would like to express what the PBA means to me.

I am a firm believer in God and I give him all credit in my survival. I believe he places people and things into our paths through life to guide us. I believe the PBA was one such element which was placed in my path. I was hired in 2003 and I have been a PBA member through the complete duration of my employment as an officer. I always knew the PBA would be there for me if the unthinkable occurred.

Well, the unthinkable occurred on October 7, 2009. Several officers, including myself, responded to a business alarm call. A domestic situation occurred at the business between an employee and her ex-husband. Shortly after arriving on scene, we were informed the ex-husband had outstanding warrants. He fled the business and a foot pursuit ensued. I was one of three officers who pursued the suspect. He fled into a ditch, and as we

descended the bank we were met with gunfire. One officer, Sgt. Hutchens, was fatally wounded. I was shot twice, once in the chest and once in the head. My vest stopped the chest shot, near my heart. The second remained lodged in my head. After receiving these injuries, I was able to return fire. The third officer was uninjured. The suspect was fatally wounded.

I was rushed to the hospital and received great care. Someone called the PBA for me. While still on a backboard in the emergency room I looked over and saw my PBA attorney, David Freedman. He responded to the hospital shortly after hearing about the shooting. He paid me several visits during my stay in the hospital, along with phone calls. I have seen attorneys in court, and trust me, it was very touching to know someone as busy as he would put his own business and life on hold for me. He assisted me with the multiple interviews I completed, and I was extremely relieved knowing he was watching out for my well being. I was able to focus on my health, without having to worry about legal issues. Through this entire process I have felt less like a client, and more like a friend.

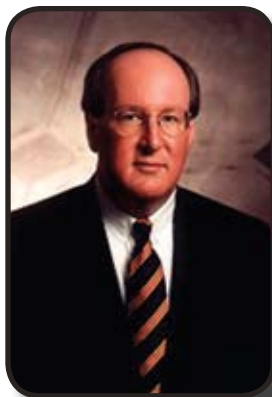
The PBA set up benevolent funds through the police benevolent foundation for both Sgt. Hutchens and myself, which in my own experience was extremely helpful. My local chapter president and fellow members have been greatly supportive, constantly asking if they could help in any way. I have been blessed to have had so much support from my family, friends, department, and the public. I will forever be grateful to the PBA. This experience has changed my life. I value life and how fragile it is. Live for the small things. Stay safe and never give up.



*The Southern States PBA would like to congratulate Officer Daniel Clark for winning the 2010 America's Most Wanted All Star Award!*

# How To Stay Out Of Trouble and Be Ready To Defend Yourself

by J. Michael McGuinness and Melvin L. Tucker



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The following are suggestions to promote your survival as a law enforcement officer. These suggestions are a checklist of ideas for information, but are not a substitute for legal advice and counsel when issues arise. The failure to comply with these ideas will not necessarily constitute just cause for discipline.

1. There are numerous potential legal adversaries who may investigate, charge, prosecute, sue or otherwise challenge police officers: anti-police interest groups, disgruntled arrestees, the State Bureau of Investigation, the Federal Bureau of Investigation, the United States Department of Justice and the Law Enforcement Prosecutions section, the Special Prosecutions Unit of the State Attorney General's Office, the United States Attorney, the local District Attorney, the POST Commission, some politicians, the news media, agency internal affairs section, agency management, and others. Officers often have to deal with several of these entities arising from a single allegation.

2. Protect yourself. Always be prepared to defend your life physically as authorized by law. Always be prepared to defend your career legally as authorized by law.

3. Sooner or later, you will likely be the subject of a false, frivolous or misleading complaint. Be knowledgeable and ready in advance to defend and defeat complaints.

4. Do not assume that a complaint will not be serious or a "big deal." Take every complaint very seriously.

5. Be fully prepared to defend yourself at all times by being

ready to assemble a team of specialized advocates to help if you are accused of criminal conduct or an alleged policy or other violation.

6. Plan in advance of whom you will call in the event of a criminal investigation, a critical incident or significant allegation of misconduct.

7. Keep the contact phone numbers of a well qualified police liability counsel with you at all times.

8. Do not throw away your constitutional, civil and other legal rights.

9. Have at least two family members designated for contact in the event of a critical incident or emergency. Know who you can depend upon to deal with posting bond if you are criminally charged and securing legal counsel.

10. Know and properly perform your job functions and duties. Know the operational protocols of your position.

11. Know every aspect of your agency policy and procedure manual. Keep an extra copy of your policy manual with you at all times, on and off duty.

12. Study your policy manual regularly. Keep all updates.

13. Stay abreast of relevant developments in the law.

14. Do your best to comply with agency personnel policy at all





times unless a true emergency necessitates deviation.

15. Undertake additional quality training and keep complete records of your training.

16. The use of force is a critically important aspect of effective law enforcement. You must be versed in your state use of force law.

17. You must know the law in order for you to be in compliance. For a detailed overview, see McGuinness, A Primer On North Carolina And Federal Use of Force Law; Trends In Fourth Amendment Doctrine, Qualified Immunity; And State Law Issues, 31 Campbell Law Review 431 (2009). See [http://law.campbell.edu/lawreview/articles/31\\_3\\_431.pdf](http://law.campbell.edu/lawreview/articles/31_3_431.pdf).

18. When a death results from police use of force, you must be prepared for a different kind of intense and protracted wrath. Deaths from police use of force present complex investigative and advocacy issues. See Melvin Tucker, Dr. Henry Lee, Dr. Cyril Wecht and D.P. Van Blaricom, Prevention of Officer Involved Deaths (forthcoming 2010, CRC Press).

19. Be specifically familiar with your agency's rules of conduct.

20. Keep your personal police equipment in proper functioning order and timely report any defects or problems.

21. Report apparent misconduct immediately to the appropriate authority. Seek legal advice if it is not clear who is the appropriate authority.

22. Do not consume any alcohol the day before any shift. Do not risk having residual effects of alcohol in your body or on your breath.

23. When taking prescribed medication, read and comply with all instructions. Make sure that you know the potential side effects of your medicines. Do not exceed your prescribed dosage.

24. Seek advice from your physician if you have any question about your own fitness for duty or any medical issue.

25. If you have any doubt about your fitness for duty, seek leave. You must be completely fit for service.

26. Follow all lawful orders of superiors unless there is a true emergency or other exigent circumstances which requires deviation.

27. Following an incident where you may become an accused, such as use of force, do not volunteer any statements to anyone. Await a proper order from a supervisor.

28. As soon as you learn that you are the subject of any internal affairs inquiry, immediately obtain legal advice and counsel.

29. Wherever possible, thoroughly prepare for all internal affairs interviews. Anticipate the questions. Be ready. Refresh your recollection with any written statement and other evidence. A poorly delivered internal affairs interview may doom your entire career.

30. If subjected to any pressures, subtle or otherwise, in an internal affairs interview, confer with counsel and immediately report the pressures through appropriate channels. If subjected to any inappropriate tactics, consider requesting appropriate relief following consultation with counsel. Resist intimidation.

31. When preparing written statements, always prepare a draft and analyze it before preparing the final statement. Make sure that your final submitted statement is complete, true and accurate. Seek counsel if you have questions.

32. Make sure that all verbal and written statements that you provide are complete, accurate and true. Provide a supplement or modification when necessary.

33. Be truthful at all times. If you realize that you have made any significant error in any communications, initiate timely corrective action and make sure that your corrective actions are documented.

34. Be prepared to tape record any statement that warrants recording, but you must be compliant with state and federal law. Seek legal advice.

35. If contacted by a criminal investigator about your conduct, inquire generally about the nature of the inquiry. If you are in any way a possible suspect or person of interest, seek immediate legal advice before making any statement. Do not allow yourself to be pressured, influenced or tricked into an immediate

*(continued on next page...)*





waiver of rights.

36. State Bureau of Investigation and other criminal investigations into officer involved shootings often begin within minutes of the incident; be ready to immediately obtain counsel and defend your interests prior to making statements to criminal investigators. Get your help to the scene and to you to immediately begin investigating and evaluating. Do not delay.

37. A federal criminal investigation may soon follow the state investigation. Seek legal counsel and advice before interviewing or providing evidence to the Federal Bureau of Investigation or the U.S. Department of Justice. There are federal statutes that govern statements of witnesses or suspects, and there are criminal penalties.

38. Make sure that you invoke your Garrity rights by asserting those rights before you make a statement to your agency following an order or request that you provide a statement.

39. Following a critical incident or a complaint involving you, await an order by a supervisor before making a responsive statement. Do not volunteer statements to investigators or you will likely lose Garrity protection.

40. Insert a protective Garrity rights invocation on each use of force report; otherwise, the use of force report may be used against you criminally.

41. Safeguard and invoke your constitutional and civil rights to protect your interests.

42. Seek legal advice at the earliest possible opportunity upon notice of any impending personnel, conduct or other dispute with legal implications.

43. Never attempt to self lawyer or self-medicate. Find and use an experienced specialist for your legal and medical needs. He who is his own lawyer has a fool for a client.

44. After any complaint or critical incident, document your position and course of action. Be prepared to defend yourself.

45. Stay away from the news media, and do not speak to them if they inquire about your conduct. Do not give any press release or statement.

46. Show complete respect for all supervisors, all other co-employees and everyone within the criminal justice system.

47. Always be professional, even when being mistreated.

48. Avoid risk by avoiding significant associations with persons who have engaged in criminal activity.

49. Do not hesitate to seek professional counseling to help with legal, personnel, emotional, marital, financial or other problems.

50. Do not allow personal, family or other problems to adversely affect your performance or conduct. Seek help early.

51. Protect the integrity and accuracy of your personnel file. Some states have statutes which afford a means to have inaccurate and misleading information removed from your personnel file. Periodically review your official personnel file to ensure that documents have not been inserted without your knowledge.

52. Keep copies of all documents that relate to your employment and training. Keep all personnel and other evaluations.

53. Keep a file all of your personnel, certification, education, medical and medication records.

54. Maintain compliance with all regulations of your POST Commission. Protect your law enforcement certification.

55. Appropriately challenge any document that mischaracterizes your performance or conduct. Seek counsel regarding how to preserve your rights.

56. Develop a positive professional relationship with all judges in your District and show complete respect to all judges at all times, in and out of the courtroom. Never publicly criticize a





judicial decision in any case involving you or any other member of your agency.

57. Develop a positive professional working relationship with the District Attorney and Assistant District Attorneys in your jurisdiction.

58. Develop and maintain a positive relationship with your State Senator and State Representative.

59. Work hard; be productive; be reasonable.

60. Do not use agency's equipment or property for personal use.

61. Never use your agency email for any personal communications.

62. Never engage in any political activities while on the job.

63. Be careful of your off duty associations. Others can get you into serious trouble.

64. Stay out of strip bars.

65. Do not abuse alcohol.

66. Do not engage in illicit relationships.

67. Be respectful and professional with all supervisors and colleagues.

68. Do not knuckle under to intimidation or implied blackmail. Stand up for yourself.

69. Do not allow co-workers to influence your objective decision making in a personnel dispute. Police colleagues are not legal or personnel advisors. Do not unnecessarily put them in the position of being a witness to comments by you relating to an allegation or incident.

70. If an internal affairs investigation starts, you cannot and must not contact witnesses; your counsel must guide that process with or without a private investigator.

71. Be very careful when making any changes to documents. Make sure that such document changes are appropriate, fully justified and documented.

72. Use your agency grievance policy when appropriate after consultation with counsel. Develop grievances carefully and precisely.

73. Do not make remarks that may constitute harassment or intimidation. Do not tell jokes that may offend anyone.

74. Initiate recommendations for improvement of your agency.

75. Work to strengthen organized officer associational activity.

76. Never allow anyone to interfere with your right to legal counsel. However, most agencies do not allow officers to have legal counsel present during internal affairs interviews. You are free to seek counsel before such internal affairs interviews in order to best prepare. Seek counsel immediately at the first hint of possible trouble.

77. Fully prepare for the internal affairs process as if it were a homicide case.

78. Work to promote labor and civil rights legislation to help officers have basic human rights to workplace safety, decency and fairness.

79. Work to promote the legal rights of officers.

80. Become more politically active to help advocate for more rights and benefits for officers.

81. When in doubt about anything connected with your job, seek legal advice as soon as possible.

82. A resignation may be your best option where there is clear just cause for termination and no legitimate justification or other defense. Resignations have many implications that warrant careful analysis. Resignations may have advantages under certain circumstances.

83. Protect yourself legally. Keep your guard up at all times. Do not be intimidated by anyone.

## CONCLUSION

84. Staying out of trouble and protecting your job requires consistent effort. It requires awareness, education, judgment and hard work to survive as a police officer. Invest in associational activities so that you and the next generation of police officers are better respected and protected.

*1. The McGuinness Law Firm concentrates in the representation of law enforcement officers in virtually all types of police legal disputes. The firm provides trial and appellate advocacy, consulting to officer and police associations, research, education programs and specialized advocacy for law enforcement officers.*

*2. Retired Chief Melvin L. Tucker is a law enforcement expert witness, consultant and trainer. He began his career as an FBI agent in 1969. After retiring as Chief of Police in Tallahassee, Florida, Chief Tucker has been involved in all types of police liability litigation.*

*This paper is not legal advice, and is submitted only for limited educational use. Copyright 2010. All Rights Reserved.*

## Staff Representatives Bring Expertise To Assist Members With Law Enforcement Issues

by Tommy Simpson - Director, Organizational Services, west Region

**S**outhern States PBA is proud of the quality of service it provides to members while administering an array of benefits and services relative to their law enforcement duties. PBA Staff Representatives perform a vital part of this service to members at the field level, working directly with the members. PBA Staff Representatives all have extensive law enforcement backgrounds. They are passionate about issues of concern to law enforcement officers and strive to help make positive change on their behalf.

One such Staff Representative working in Southern States PBA West Region is Leonard Prien. Leonard has an extensive law enforcement background spanning over more than 30 years. From this background comes his passion, experience and knowledge which enables him to provide the level of service that has always made PBA an icon as the leading law enforcement association it is.

Leonard Prien started his law enforcement career in the United States Air Force in 1979 where he served as a Security Police Specialist until 1985.



Leonard then began a career in civilian law enforcement, which spanned over the next 22 years. During this period he served with the Itawamba County Sheriff's Department and the Fulton Police Department in the State of Mississippi. His assignments included: patrol officer for 7 years, Criminal investigator for 15 years, retiring as Chief Deputy for the Itawamba County Sheriff's Department. He has extensive training and holds an

investigator's certification with Standards and Training in Mississippi. During his civilian law enforcement career, Leonard also served on a law enforcement dive team, specializing in underwater evidence and body recovery until his retirement in January, 2008.

Leonard joined the Mississippi Division of Southern States PBA in 1994 and remains a member today. Throughout his membership tenure he has served on his chapter's board of directors, serving in every capacity on the board. At the time of his retirement in 2008, he was serving as president of his chapter and also served on the board of directors for the Mississippi Division of Southern State PBA (SSPBA). As you can see Leonard not only has a long and honorable law enforcement career but also possesses extensive experience as a PBA chapter and division leader.

Leonard joined the PBA staff in February of 2008, and currently serves as a Staff Representative working Northeast Alabama, West Tennessee and Mississippi.

## New Executive Director Appointed for Arkansas Division

by Tommy Simpson - Director, Organizational Services, west Region

**S**am Keller started his law enforcement career with the Faulkner County Sheriff's Department in Conway, AR in 1998. During the beginning of his employment he worked in the patrol division for seven and a half years. While in patrol he was a dual purpose K9 handler for six and a half years, was promoted to patrol sergeant and then patrol lieutenant. After making lieutenant he was placed over the newly created computer division. The computer division maintained the computer infrastructure of the department, was responsible for computer forensics, and began to work internet child pornography cases.

Sam has extensive law enforcement training and holds an Intermediate Police Certificate in Arkansas. He is also a certified LE Instructor, Firearms Instructor, Radar/Lidar Instructor, TASER



Instructor, Glock Armorer, Colt Armorer, TASER Armorer, Sr. BAC Operator. He has more than 1600 hours of LE related training.

Sam Joined the Arkansas Division of PBA in May of 2006 and immediately

began serving as a member of his chapter's board of directors. During his tenure on the chapter board he served in the capacity of chapter President. He also served as Senior Vice President of the Arkansas Division of PBA and later served as President of the Division until accepting employment as a Staff Representative with Southern States PBA in August of 2009. Effective June 10, 2010 Sam was appointed to serve as Executive Director for the Arkansas Division.

Sam continues to be involved with his former department as a part time deputy, helping out when it doesn't conflict with his employment with SSPBA and of course he continues his PBA membership. He brings many years of law enforcement experience with him to Southern States PBA to utilize in serving our members.





## North Carolina Police Benevolent Association Sets New Board Board Will Serve Three Year Term

**O**n November 14, 2009, chapter leaders met in Hendersonville, NC to elect an executive board and receive various reports on the Association. SSPBA president Jack Roberts opened the meeting and requested action to elect officers to the executive board. The following officers were elected to serve a three year term.

### **President**

Randy Byrd  
(Cary Chapter)

### **Senior Vice President**

Narley Cashwell  
(Raleigh Chapter)

### **Vice President**

Wardell Williams  
(NC Corrections Chapter)

### **Secretary**

Dave Quigley  
(NC State Highway Patrol Chapter)

During the meeting, committee chairpersons for the division were also appointed. Narley Cashwell was appointed as the legislative chairperson. Tom Slymon (North Mecklenburg Chapter) was appointed as the grievance chairperson. Jon MacBride (Wake County Chapter) was appointed as the membership chairperson.

Reports relating to the various divisions of the Southern States Police



*SSPBA President Jack Roberts addresses the NC Board of Directors*

Benevolent Association and the NC division were also presented as part of the meeting agenda. Sabrina Dunn the Assistant Finance Director for Membership presented the membership report. The membership report included membership trends and a discussion about payroll deduction. The Winston-Salem Chapter recently got payroll deduction for Winston-Salem officers and joined several chapters that are able to provide this benefit for members.

Joni Fletcher, Director of Legal Services, presented the legal report. The legal report included an update of legal expenses and the types of requests for services. She also included an update on group cases that are being handled by staff in the Winston Salem and Raleigh chapters.

Wayne Tubb, Finance Director, presented the financial report. His report included an update of finances for SSPBA and the NCPBA.

Tim Reichert Communications Director,

presented the communications report. Reichert discussed the new member software that is being developed along with the new web design. He also presented information about Facebook and Twitter and how these resources will be utilized in the future to get out meeting notices and other information in a timely fashion to members.

Marlon Trone, Executive Director of the Police Benevolent Foundation, presented the foundation report. In his report, he discussed the fund-raising efforts for the foundation and the new programs that the foundation is working on.

Randy Byrd, who previously served as the legislative chairperson for the division, presented an update on the legislative agenda. His report included recent successes in the General Assembly. The candidate interview and endorsement process for 2010 was also discussed.

At the conclusion of the report presentations, the meeting was adjourned. The new board is looking forward to serving the members and working on issues of importance to the law enforcement profession. Members should feel free to contact any executive board member with ideas or concerns.



*PBF Executive Director Marlon Trone and newly elected Division Secretary Dave Quigley discuss the foundation*

# **A Shooting or an Accident... No One Likes to Think About It!**

It can happen to any law enforcement officer at any time... There's a shooting or a serious accident... someone is hurt... You're involved. As a PBA member, you're not alone. PBA is there to protect your rights.



## **If it happens to you:**

- Don't Panic! Calm down and compose yourself.
- Don't rush into making a statement.
- If you are asked to make a statement, call the PBA Hotline: 1-800-233-3506
- PBA will provide you with an attorney prior to making a statement - either on the scene or wherever needed.
- Wait until you talk to a PBA attorney before making any statements, oral or written.
- Be prepared!
- Know your rights BEFORE a disciplinary action arises
- Be familiar with your departmental policies so that you know how to proceed if adverse action is taken against you.

**Know if the disciplinary action is grievable**

**Know how many levels of appeal are available**

**Know your department's procedure  
for grievances**

**Know the time and date deadlines for grievances**

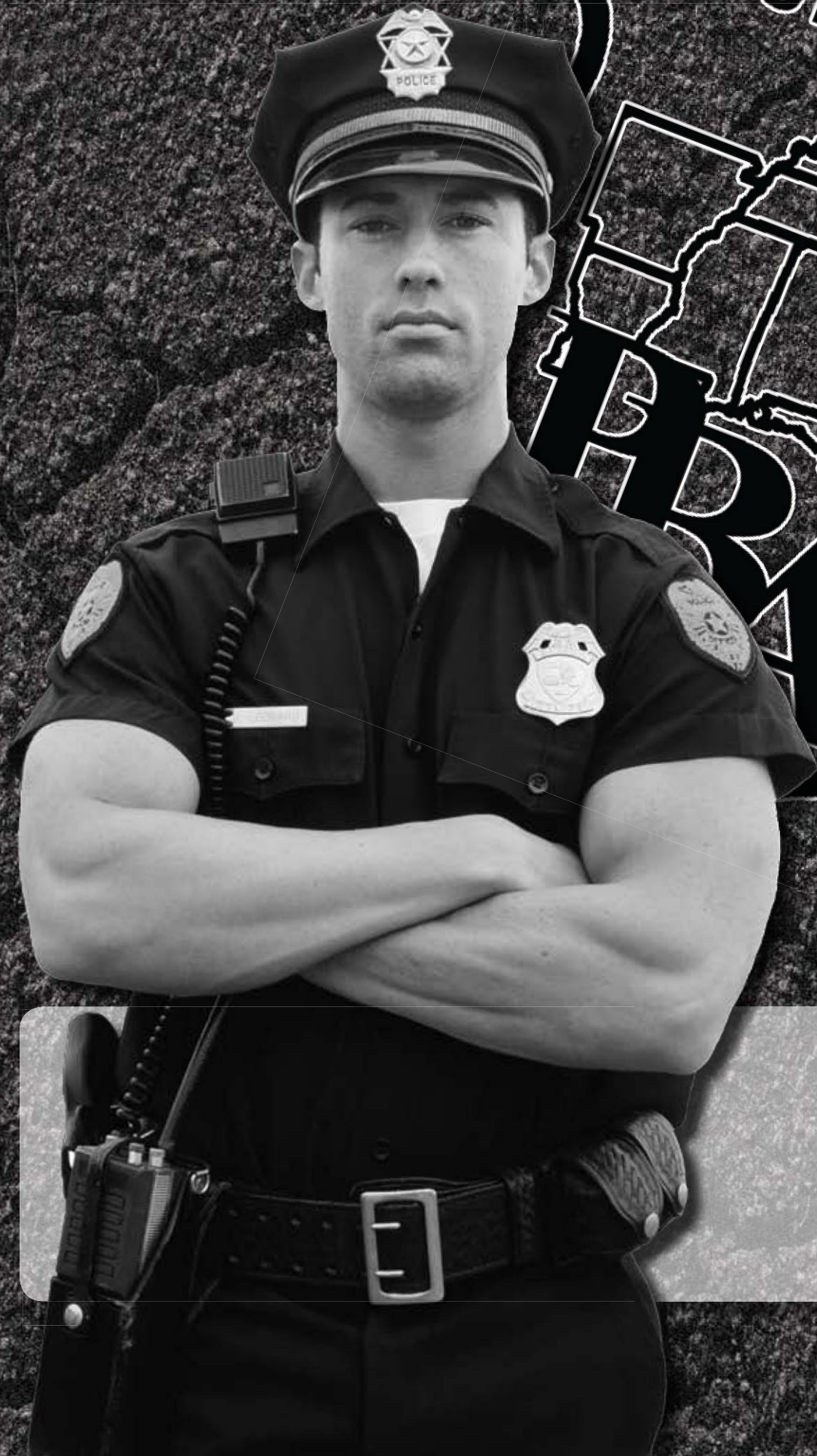
**The PBA is serious about protecting you!**

## **Another Satisfied Member**

*"I would like to thank all of you with the Southern States PBA! I have been pleased with the amount of attention that is provided for an incident, and the response time that is provided by the Legal Services Department. I have been involved in a lot of cases where other sources of legal services have been used, and the PBA has impressed not only me, the member, but other officers that have been in the same position, but are being assisted through other channels. This has led to about a dozen or so officers from my department dropping their other legal services and using the Southern States PBA."*

Richard Beaston - North Little Rock PD





**WWW.SPBA.ORG**



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**CIVILIAN MARKSMANSHIP PROGRAM** 1401 Commerce Blvd / Anniston, AL 36207

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The CMP is a non-profit corporation chartered by the U.S. Congress to promote firearms safety training and marksmanship, especially for youth. CMP sales of U.S. Government surplus rifles, ammo and related merchandise help fund CMP Junior programs, affiliated shooting club programs and the CMP hosted National Trophy Rifle and Pistol Matches at Camp Perry.