



A publication of the Southern States PBA, Inc.

BLUE REVIEW

AN IN-DEPTH LOOK AT THE PBA ISSUE 6

I WISH YOU KNEW

Take a look inside the Police Benevolent Foundation's campaign to raise awareness of the dangers that law enforcement officers and their families face every day.





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

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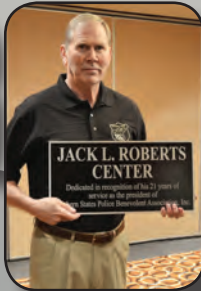
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Renee Dixon
Chief Operating
Officer, SSPBA

Renee handles the day-to-day operations of the business under SSPBA CEO Jack Roberts and has been with the Southern States Police Benevolent Association for 25 years.

"If you have any questions or concerns, please do not hesitate to contact me at (800) 233-3506, ext. 349."

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Southern States **PBA**

THE VOICE OF LAW ENFORCEMENT OFFICERS

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SOUTHERN STATES PBA IMPLEMENTS NEW ASSOCIATION STRUCTURE WITH THE ELECTION OF NEW PRESIDENT

By Tim Reichert

Director of Communications and Public Affairs, SSPBA

The 2012 Southern States PBA annual board meeting was held on June 8, 2012, in McDonough, Ga. at the Hilton Garden Inn. Each active division within the Southern States PBA was represented at the meeting and received reports from each PBA department head, discussed policies and elected a new SSPBA Executive Board. This board

meeting was unlike any previous meeting because Chris Skinner was elected to succeed Jack Roberts as association president.

Jack Roberts had held the position of SSPBA president since 1991. Until the conclusion of this year's meeting, the president and CEO responsibilities were combined into the association president position. In 2010, the SSPBA board voted to separate policy and business responsibilities to ensure a stable future. The change actually took place at the



(L-R) Joe Naia - Secretary/Treasurer, Chris Skinner - President, Dave Soderberg - Sr. Vice President, Beth Dyke - Vice President

end of Roberts' three-year term this year.

The 2010 vote by the board made the president and CEO positions separate, with the president overseeing the policy-making side of the association and the CEO overseeing the business side of the organization. After this year's election, Roberts now holds the position of chief executive officer. Therefore, he continues to have ultimate authority over how association business is conducted and members can be assured that there will be continuity in how the SSPBA operates. In addition, Roberts serves on the SSPBA board as immediate past president.

Mississippi PBA division president Chris Skinner was elected as the new SSPBA president. Skinner has served on the SSPBA board of directors since 1999. His responsibilities as SSPBA president will include overseeing the policy-making decisions of the SSPBA and the

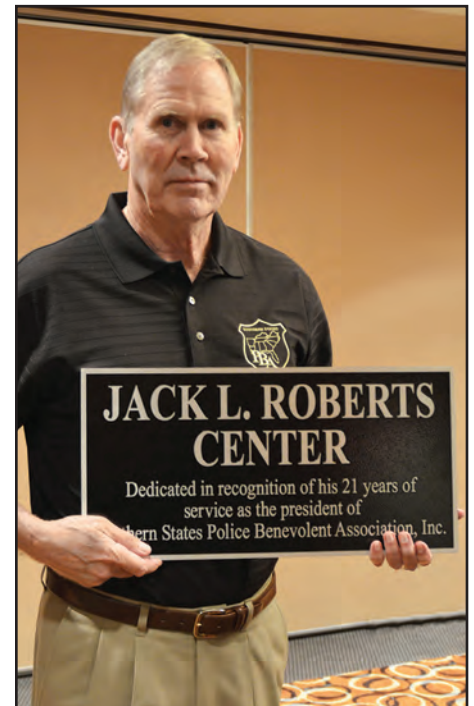
Police Benevolent Foundation.

At the June meeting, Jack Roberts was recognized for his loyal and dedicated service as longtime president of the SSPBA. The Southern States PBA home office building in McDonough, Ga. was dedicated in his name and will now be known as the Jack L. Roberts

Center. The faceplate that will be displayed on the building was presented to Mr. Roberts by SSPBA founder and past president, Charlie Maddox.

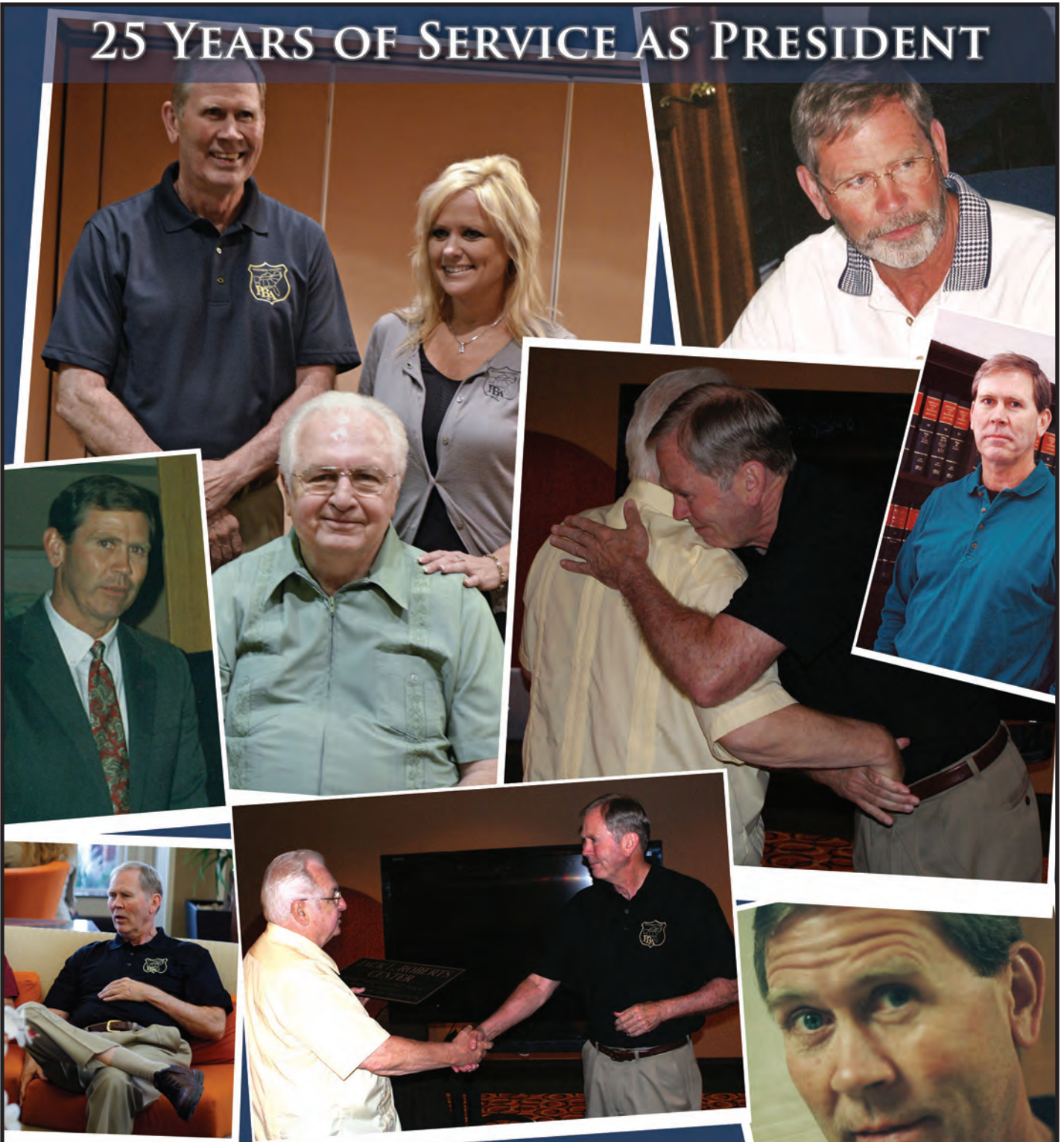


Chris Skinner heads his first meeting as the new SSPBA president.



Jack Roberts holding the plaque which will hang on the front of the PBA home office building where he will continue on in his role of CEO of the Southern States PBA.

25 YEARS OF SERVICE AS PRESIDENT



CONGRATULATIONS
JACK L. ROBERTS
SSPBA PRESIDENT TO CEO



MEET THE NEW SSPBA PRESIDENT, CHRIS SKINNER

By Jenna Lynn Causey
Communications and Public Relations Assistant, SSPBA

With the implementation of the new structure of the association, the SSPBA board voted in a new SSPBA president so that immediate past president Jack Roberts could continue his current role as the CEO of the Southern States PBA and carry on ultimate authority over the association. Mississippi PBA division president, Chris Skinner, was elected as the new SSPBA president.

Chris Skinner has a history of law enforcement in his family. His father, William Louis Skinner, was a Detective with the Jackson Police Department in Mississippi and was killed in the line of duty serving arrest warrants on members of the Republic of New Africa in August 1971. The Jackson Police Training Academy in Jackson, Miss. is named in his honor. Skinner's mother was tasked with raising Chris and his two older brothers, Bill and Mike, alone. Bill Skinner became a Jackson police officer and served for 14 years before an on-duty injury ended his career. Bill went on to attend college and graduate from law school. He is now a Hinds County judge presiding over the Youth Court. Mike Skinner worked for the Jackson Police Department and as a lieutenant with the Hinds County Sheriff's Department. He just



recently retired.

Chris Skinner began his law enforcement career with the Hinds County Sheriff's Department in 1984. Starting as a dispatcher, he advanced to a patrol deputy, a sergeant, and a lieutenant in the patrol division. In 2002, he accepted a position with the University of Mississippi Medical Center Campus Police as an administrative captain, where he is currently employed. Chris received an associate degree from Hinds Community College and a bachelor of science degree in Criminal Justice from the University of Southern Mississippi. Chris Skinner joined the PBA in

1997 and immediately became an active member. He was elected Central Mississippi Chapter president in July 1998 and Mississippi division senior vice president in August 1998. He became division president in April 1999 and is still serving in that capacity. Chris was elected as SSPBA president in June of 2012.

Chris and his wife, Judy, have two sons, Wesley (15) and Brett (13). They reside in Raymond, Miss. They enjoy the outdoors, spending the weekends hunting and fishing on their farm.

I had the opportunity to sit down with

Chris Skinner and ask him some questions.

1. Tell me what inspired you to become a police officer.

I am not sure what really inspired me to be a police officer. Most of the memories of my father are those of when he was an officer, so I guess it is the memories of him as an officer that inspired me. It seems that I was always around officers or their children growing up. My older brothers started taking classes at a junior college about the time I was entering high school and I remember how much fun they seemed to have in the classes. When I started college,

those were the courses I was really interested in. My mother was always very supportive of us and never discouraged us from getting into law enforcement.

2. Does the tragic death of your father affect your work mentality? Does it motivate you? Are you more cautious?

For the most part, I never thought much about it while I was working in patrol, but there were times when an officer would get killed in the line of duty and I would think a lot about it. I would think about what that officer's family is about to go through, his wife and children. It would bring a lot of childhood memories back to me of when my father was killed. Then having children, you want to make sure you get home after your shift. I certainly don't want my two boys growing up without a dad. Now that I work in an administrative position, I don't think much about it until I see where an officer is killed somewhere. I always end up thinking about the children mostly.

3. Why did you join the PBA?

I joined the PBA for the same reasons most law enforcement officers join: the legal benefit. At the time, I was working on a shift with another deputy who was a member that was involved in a pursuit that ended in an accident where the suspect died. When I arrived at the hospital that night to meet the deputy, he was on the phone with an attorney discussing the incident. I knew then I wanted to join. I wanted to have what he had, which was the ability to call someone (an attorney) for advice or help in a critical situation

and that would be there for me. Shortly after that, the PBA had a staff representative at a local hotel doing membership presentations. I walked in, filled out an application and handed it to him with a check. He asked if I wanted to see the presentation video outlining the membership benefits, and I told him I didn't need to... I was joining.

4. Tell me about your involvement in the start-up of the Arkansas PBA.

At the time, we had a Mississippi PBA office (actually a west regional office) handling most of the clerical duties for Arkansas. I would often find myself at the office looking at their membership growth and seeing some of their chapters being formed. Tommy Simpson, who is the Mississippi PBA executive director and the SSPBA director of organizational services (west), was involved in forming the Arkansas division during that time. In talking with Tommy about Mississippi issues, we would find ourselves discussing what was happening in Arkansas. When Arkansas scheduled their first division meeting, I wanted to attend, take part and share with them some of our experiences and lessons learned that we had encountered in Mississippi. It was exciting to see their energy and passion about starting their new division board for the Arkansas PBA.

5. You're a life member of PBA; what does that mean to you?

Life members are active or retired members of the association who have earned respect and admiration of the association

and its members. I have always considered it an honor to sit on the board of directors. I was recognized by the Southern States board last year with Alabama PBA President Donald Scott and Tennessee PBA President Beth Dyke for our service to the PBA. It was truly something special to me.

6. What does it mean to you to become the SSPBA president?

To say it is a very humbling experience is an understatement. It is something that I never considered until a few months ago. I know that Jack (Roberts), Charlie (Maddox), Renee (Dixon) and many others have put a lot of blood, sweat and tears into building this association into what it is today. They have sacrificed a lot over the years, and this is a huge part of their life. I look at the longevity of the employees at the PBA, and this is their life, and they have a passion for helping cops. That also makes it somewhat frightening for me as well. But with the new organizational structure, Jack and Renee running the day-to-day operations of the association sure makes things much smoother during this transition. I'm very thankful for them and really could not see myself doing this without them being there. It's also very exciting. Hopefully, I'll have the opportunity to meet with members from other states and hear about their issues and concerns. I'll do the best I can to make sure that we, as an association, stay true and focused on the principles we were founded on and provide our members with the service they deserve.

LET'S PUT THE COST OF PBA DUES INTO PERSPECTIVE

By Joni J. Fletcher
Director of Legal Services, SSPBA



Joni J. Fletcher
Director of Legal Services, SSPBA

In these uncertain economic times, most families are scrutinizing every item in their budgets to make sure their dollars are being put to good use. In some households, the question may have come up, "Can we afford a PBA membership?" My response to that would be, "You can't afford not to be a member."

Our office recently compiled figures regarding the cost of PBA cases over the past two years. The information we found verified that the expense associated with even a routine legal matter far outweighs the cost of PBA dues.

For officer-involved shooting cases opened in 2011, the average total of attorney fees and expenses paid per case were \$1,090. For lawsuits naming PBA members, the average total was \$1,116. And for disciplinary appeals, the average total paid out to attorneys was \$3,470.

While these totals are attention-grabbing, bear in mind that attorneys typically bill the PBA at significantly lower rates than they do their other clients. Sometimes the PBA rate is one-half to one-third of what the attorney would charge his or her non-PBA clients. When the figures above are re-calculated at standard attorney rates, the totals go up dramatically: shooting cases cost \$3,270, lawsuits cost \$3,348, and disciplinary cases cost over \$10,000. With potential legal bills that high, many officers are faced with the choice of either subjecting their families to major financial difficulties or going without the legal representation they need.

As a PBA member, you do not have to make that choice. You simply contact the PBA with your legal situation. Once the matter has been reviewed and approved for coverage, the financial aspect of the case becomes the PBA's

responsibility. Billing comes directly to the PBA, not to you, and there is no cap or limit on the fees and costs that the PBA covers. You can have peace of mind knowing that you are protecting your interests without subjecting yourself and your family to a huge legal bill.

While some household expenses may have to be cut out, for today's law enforcement officer, PBA dues should not be one of them. Visit us online at www.sspba.org.

"Many officers are faced with the choice of either subjecting their families to major financial difficulties or going without the legal representation they need."



PBA THERE FOR VIRGINIA MEMBER WHEN DEPARTMENT REFUSES TO DEFEND

By Joni J. Fletcher
Director of Legal Services, SSPBA

In May of 2012, PBA attorney Stephen Heretick defended PBA member Robert Self in a multi-day civil trial regarding a traffic stop in 2009. After less than two hours of deliberation, the jury returned unanimous verdicts in favor of Self and the other police officer who was named as a defendant. This successful outcome was some long-awaited vindication for Self, who was employed with Hampton Police Department at the time of the traffic stop. Since that 2009 incident, Self had lost his job and career, and he had been refused representation by Hampton in the civil matter. PBA, however, had been with Self throughout the ordeal.

Officer Self had initiated that traffic stop for readily discernible equipment failures regarding the driver's vehicle. During the stop, Officer Self had obtained the driver's license and registration and was back in his police unit running the information when he observed the driver attempting to make a cell phone call. Officer Self used his unit's PA system to ask the driver to stop using his cell phone; when the driver did not comply, Officer Self returned to the driver's vehicle and asked him twice more to stop using his cell phone. The driver continued to ignore Officer Self. Officer Self then asked the driver to step out of the vehicle, and Self opened the car door.

Officer Self then observed the driver making a furtive movement with his left hand. Self took control of the driver's wrist and repeatedly directed the driver to step out of the vehicle. The driver became verbally abusive to Officer Self and began to physically struggle. At about this time,

that the individuals who had arrived on scene were the driver's parents. Officer Self made the determination to charge the driver with resisting arrest, failure to wear a seatbelt, a defective brake light, and an expired inspection sticker. The driver was released on the summons after approximately 40 minutes.

Within the next several days, the driver obtained an attorney and appeared at the emergency room for treatment of injuries he allegedly sustained during the arrest. Officer Self was terminated.

The PBA assigned attorney Stephen Heretick to represent Officer Self, and they appeared before a city grievance panel in March 2010. The panel

upheld the termination, primarily because the panel determined that Officer Self's order to the driver to get off of his cell phone was unlawful.

The driver also sued Self and Deputy Hill on claims of assault and battery, unjust imprisonment, malicious prosecution, and intentional infliction of emotional distress. The plaintiff sought \$500,000 in compensatory damages and \$350,000 in punitive damages from each defendant on each count. While Deputy Hill was defended by his employer (Newport News Sheriff's Department), the city of Hampton refused to defend Self. Therefore, the



another vehicle occupied by two individuals pulled up directly behind Officer Self and attempted to get out of their vehicle. While struggling with the driver, Officer Self ordered the other two individuals to get back in their vehicle.

As the struggle intensified, Officer Self radioed for backup and then saw a deputy sheriff he knew leaving his residence. Officer Self called the deputy, Wayne Hill, for help, and the deputy responded. The two officers were able to subdue the driver enough to place him in handcuffs, frisk him, and place him in Officer Self's patrol unit. At this time, Officer Self learned

PBA provided representation for Self, again through attorney Steve Heretick.

After approximately two years of litigation, the matter came to trial on May 7, 2012, in the Hampton Circuit Court. After the plaintiff presented his case, the jury quickly returned verdicts in

favor of the defense.

According to Robert Self, the PBA was a “lifesaver.” He stated that he had never thought that he would have to defend himself from the department he worked for and that the city would then turn their backs on him and refuse to defend him. Attorney Heretick

added, *“Without the representation provided by the PBA, Officer Self would have been financially unable to defend against these abusive allegations or to acquit himself in the eyes of neutral reasonable citizens that his actions were reasonable and lawful.”*

MISSISSIPPI JUDGE SIDES WITH MEMBER, THEN GOES ONE STEP FURTHER

By Joni J. Fletcher

Director of Legal Services, SSPBA

Earlier this year, PBA member Jon-Lott Summerville, a deputy with the Panola County Sheriff's Department in Mississippi, was among several deputies who responded to a call concerning a large, loud party. The deputies arrested an individual for disorderly conduct. A few days later, Deputy Summerville learned that the arrested

individual had filed an affidavit in pursuit of a simple assault warrant against the deputies. Upon learning this information, Deputy Summerville contacted the PBA.

Deputy Summerville provided the PBA with a copy of the affidavit that had been filed against him and explained that the arrestee and the arrestee's father both had a reputation for previously filing such actions against law enforcement. The PBA assigned attorney Al Welshans III to represent Deputy Summerville in the probable cause hearing on the matter.

Upon hearing the facts in



PBA member Jon-Lott Summerville - deputy with the Panola County Sheriff's Department in Mississippi

the case, Judge Jimmy McClure dismissed the complaint against the deputies. However, Judge McClure did not stop there. In his order, he mandated that the arrestee (David C. Bell) and his father (William D. Bell) receive court approval prior to filing any other criminal actions against a police officer in that district.

Judge McClure's order states that the two named individuals “must first obtain written consent from any Municipal or Justice Court Judge prior to filing any criminal affidavit in the Judge's respective Court, against any law enforcement officer, teacher

or other persons set out in 99-3-28 MCA 1972, as amended, as well as any officer of the Court or Court personnel.”

Mississippi law requires a probable cause hearing prior to the issuance of a criminal warrant against a law enforcement officer involved in the performance of his or her duties. (A similar statute exists in Georgia.) Judge McClure made the

determination in this case that additional steps were appropriate to halt the harassment local officers were subjected to by these individuals.

Deputy Summerville knows that active law enforcement can often lead to complaints, and he understands that having the PBA back him up is essential. He stated, *“I have begged and pleaded with people to get a PBA membership.”*

The PBA is happy to back up Deputy Summerville and other law enforcement officers as they do their jobs each day.

FRANK HAMER, TEXAS RANGER: LEGENDARY LEO WAS A HARD MAN TO KILL WHEN CRIMINALS WERE AT THEIR WORST, FRANK HAMER WAS AT HIS BEST

By Lt. Dan Marcou
(Courtesy of Police One- published 7.9.12)

Editor's Note: The history of law enforcement seems to be told by people who have, at best, minimal understanding of, and at worst, malicious contempt for, this great profession. At PoliceOne, we aim to fix that. Below is the first in an occasional series of columns featuring an individual or an event in American's long and righteous history of policing. If you know of such a story you'd like us to investigate, just send me an email. Meanwhile, please enjoy the story of Frank Hamer, Texas Ranger.

By some accounts, Frank Hamer would survive 50 gunfights in his lifetime. His first took place before he was a lawman, back when Hamer and his brother Harrison were sharecropping some land for a man named Dan McSwain.

McSwain approached Frank one day and offered him a special job for a great deal of money. Frank jokingly asked, "Who do I have to kill for that?" but quickly sobered when McSwain told him.

When Frank declined the offer to become a hired killer, McSwain warned him not to tell anyone about his offer or Frank and his brother would be dead men. Unsettled by McSwain's warning, Frank took to carrying a pistol, while farming.

I Thought I Killed You

Frank's instincts were golden. While Hamer was plowing one day, McSwain appeared with a shotgun and shot him in the back and the head. Hamer went down and as McSwain approached Frank Hamer pulled his pistol and



Captain Frank Hamer circa early 1920s

shot McSwain. Harrison Hamer assisted in his wounded brother's escape, while the wounded McSwain went after his buffalo gun.

Frank convalesced for some time and when he was healthy he saddled his horse and sought out McSwain, who when found said, "I thought I killed you." Frank replied that he had not and announced, "I'm here to settle

our account." With that said both men drew their pistols and fired. The account was settled.

Frank Hamer, Texas Ranger

Shortly after Frank became a hired hand for a ranch on the Pecos. It was at this time that Frank assisted a local Sheriff track and capture some rustlers. The Sheriff, who was much impressed, recommended Frank for the Texas Rangers. In 1906 Frank Hamer joined the storied Texas Rangers.

In the early years Frank rode trails near the Rio Grande, captured rustlers, smugglers, bootleggers and bandits with Company C of the Texas Rangers, Captained by John H. Rogers. He left the Rangers in 1911 to become City Marshall for Navasota Texas, but he rejoined the Rangers in 1915.

Domestic Violence, Texas Style

During his career Frank Hamer mastered and carried many firearms, but his personal favorite was "Old Lucky," a Single Action Colt 45, C-engraved 4 ¾" blued

revolver with pearl handles. He shared his philosophy on gun fighting with an interviewer once. Frank said that when he had a choice he preferred to fight with a rifle, but he also practiced long distance hand-gunning.

Frank said that he used his sights in a gunfight, because he could not see spraying the countryside with lead when one shot would do the trick.

Frank Hamer had one such one shot gun fight in Sweetwater Texas. On October 1, 1916, shortly after Frank married his wife Gladys Johnson, Gladys, her brother Frank, and his brother Harrison stopped on the town square in Sweetwater Texas. They were on a car trip and they pulled into town with a flat tire. Frank had been serving as a bodyguard for a rancher at the time, when two members of the opposition named McMeans and Phillips spotted the relaxed and unaware Hamer. They made an impromptu plan to kill their dangerous nemesis.

McMeans approached from the front and Phillips — armed with a shotgun — approached from behind meaning to do murder. As McMeans reached Hamer he drew his pistol and Frank reacted instinctively grabbing the weapon. During the struggle Frank was shot in the shoulder and the thigh. Shot twice, Frank was not yet out of the fight. He wrenched the weapon out of McMeans' hand and began



Bonnie Parker and Clyde Barrow, sometime between 1932 and 1934, when their exploits in Arkansas included murder, robbery, and kidnapping. Contrary to popular belief the two never married. They were in a long standing relationship. Posing in front of an early 1930s Ford V-8 automobile.

beating him with it as Phillips approached from behind with shotgun, unseen.

Hamer's wife Gladys not only shouted "Look out!" to Frank, but the love of Frank's life filled her hand with a pocket Colt and opened fire on Phillips. The swarm of bullets buzzed by Phillips' head and caused him to fire wildly — striking nothing but the brim of Frank's hat.

Harrison returned after hearing the gunfire and he armed himself while Frank drew his pistol. With the tide turned, the ambushers appeared to flee the battlefield.

As McMeans reached his car, however, he rearmed himself with a shotgun and swung it

toward Hamer. Frank aimed, fired, and killed McMeans with a shot to the chest. Phillips abandoned the car and fled on foot. Harrison Hamer fired, but Frank knocked the barrel down, causing Harrison to miss. Frank determined that Phillips did not need to be shot dead, because the man did nothing but ruin a good hat.

While the gunfight was in progress there was a Nolan County Grand Jury in session. The Jury paused from their deliberation to watch the entire street battle from upstairs windows across the street. In a supreme example of the swiftness of Texas justice, while Frank was being treated by the Doctor for his wounds the Grand Jury

convened in the matter of the death of McMeans.

In minutes it returned a no bill, ruling Frank Hamer's killing of McMeans was an act of self defense.

Bonnie and Clyde

In 1933, Frank Hamer retired as a Captain from the Texas Rangers, but because of his reputation he was sought after as a peace officer where there was no peace, a bodyguard where someone was in dire danger, and probably most notably as a man hunter, when the safety of the community dictated that someone needed to be captured.

The most famous of these

hunts occurred in 1934, when Frank Hamer was commissioned as a special investigator for the prison system to end the crime spree of the Barrow Gang. Frank studied their activity and movements and eventually Frank was able to contact the family of one Gang member, Henry Methvin. The family agreed to cooperate in the capture of Bonnie Parker and Clyde Barrow.

Because Bonnie and Clyde were always heavily armed with automatic weapons and they had already killed 10 law enforcement officers, Frank sought and received help.

At 9:15 AM May 23, 1934 Frank's plan was put into action as Bonnie and Clyde stopped their car for a ruse set up on a rural road near Gibsland Louisiana. Hamer along with other deputies called for the pair's surrender, but with a car load of weapons at the ready Bonnie and Clyde made a move toward those weapons. Hamer armed with a Remington Model 8 semi-automatic rifle with a special 15-round magazine and his entire posse opened fire putting more than 100 rounds into the suspects and their vehicle.

As Barrow and Parker breathed their last breath, the entire country breathed a sigh of relief.

Frank Hamer Rides into the Sunset

In his later years, the mere presence of Frank Hamer seemed to ensure a peaceful outcome in a tense situation. In 1948, the living legend was a special guard during a hotly contested Senate race between Lyndon Johnson and



Photo of six-man posse who killed Bonnie & Clyde May 23, 1934. Top Left to Bottom

“Coke” Stevenson. At one point there was trouble brewing when Frank pulled up to a polling place where two groups of armed men were facing off.

The 64-year-old Frank Hamer exited his car and strolled toward one armed group and merely said “Git.” They scattered.

That task accomplished, he walked calmly over to the second group and ordered, “Fall back.” Fall back they did.

Frank Hamer retired in 1949 and in 1955 the lawman who had survived being wounded 17 times died of natural causes. He was laid to rest in Memorial Park Cemetery in Austin, Texas next to his personal hero, his son Billy, who was a Marine killed in combat on Iwo Jima.

In the 1967 movie “Bonnie and Clyde,” Hollywood portrayed Frank Hamer inaccurately and with great disrespect. Frank could not defend himself, but not to fear, just as she did that day in Sweetwater Gladys had his back.

Gladys and her son Frank Jr. sued Warner-Seven Arts for defamation and received an out-of-court settlement.

Historians argue whether Captain Frank Hamer killed a dozen men and one woman or 70 men and one woman. With the deeds done and all witnesses now deceased, no one will ever know for sure, because in life Frank adamantly refused to rehash his gunfights.

Here are some facts, however. Frank Hamer willfully and deliberately pursued some of the most dangerous criminals of his day. Some came along peacefully, but many who chose to fight this righteously dangerous lawman, lost. No one kept score but God.

Texas Ranger Captain Bill McDonald was talking about men like Frank Hamer, when he said, “No man in the wrong can stand up against a fellow that’s in the right and keeps on-a-coming.”

In life, Frank Hamer was a lawman who kept on-a-coming.

PBA FIGHTING TO PROTECT ALABAMA RETIREMENT BENEFITS

*By Grady Dukes
PBA Attorney*

When the retirement benefits of Alabama law enforcement officers came under attack last year, the PBA was quick to respond to the requests for assistance we received from our members. We are currently involved in litigation which challenges efforts by the state to reduce retirement benefits for law enforcement officers.

Prior to August 2011, as a general rule, members of the Retirement System of Alabama (RSA) had their retirement benefit calculated on the highest three years of compensation of their last ten years of employment. For many years, this compensation included overtime pay, and in the case of state law enforcement, subsistence pay. In August 2011, at the request of the state comptroller and the director of the state personnel department, the Alabama attorney general issued opinion 2011-090. In this opinion, the attorney general stated that neither overtime pay nor subsistence pay should any longer be included in computing a member's earnable compensation, and no further retirement system contributions should be deducted from such pay. With many law enforcement employees accumulating significant amounts of overtime pay as part of their compensation, losing the ability to include overtime pay as part of the compensation on which retirement benefits were calculated could result in dramatic decreases in benefits. Likewise, losing the ability to include subsistence pay



as compensation could have a significant negative impact.

The board of control of RSA did not request the attorney general's opinion, nor did it take any action to accept or adopt it with RSA control board approval. Instead, a memorandum went out directing the participating employers in the RSA to implement the attorney general's opinion whether the employee was vested or not.

On February 6, 2012, the SSPBA filed suit in Montgomery County on this issue. Flynn Mazingo of the Melton, Espy and Williams law firm in Montgomery, is lead counsel, with assistance from SSPBA attorney Grady K. Dukes. Initially, the suit was filed against members of the control board of RSA, its chief executive officer, and the comptroller of the state of Alabama. Individual named plaintiffs were three members of the Auburn Police

Department and a member of the ABC Board. As a result of the defenses raised by the RSA in its answer, the City of Auburn was later added as a defendant.

In May 2012, while the PBA lawsuit was pending, the Alabama Legislature amended the law to redefine earnable compensation to include overtime payment, so long as the earnable compensation does not exceed 120 percent of the employee's annual base compensation as certified by the employer. Subsistence pay was not included. The PBA lobbied actively to keep the statute in its previous form which had not included any cap on the amount of overtime which could be considered earnable compensation.

Several civil actions of various types have been filed on this issue, with some wanting contributed funds returned to employees, and others requesting other types of relief. All these cases should eventually end up in Montgomery County. SSPBA's civil action is the only lawsuit that initially asked the court to declare the attorney general's opinion invalid; to declare that the actions of the RSA pursuant to the attorney general's opinion and the revised statute are invalid; and for an injunction to be entered against the defendants preventing them from implementing on enforcing the attorney general's opinion and the revised statute. The PBA is working wholeheartedly to protect those retirement benefits that Alabama law enforcement officers have been promised and have been working toward.

VIRGINIA PBA HOLDS ANNUAL BOARD MEETING AND ELECTS A NEW PRESIDENT

By Sean McGowan, VAPBA Executive Director

For the second year, the Virginia Division held its board of directors meeting at Big Meadows Lodge in the Shenandoah National Park. The division meeting was attended by fifteen chapter representatives, including Tom Ground from Alexandria, Kevin Poindexter from Blue Ridge, Mike Wells from Central, Adam Cooper from Colonial, Joe Woloszyn from Fairfax, Pelham Felder from Hampton, Craig Menefee from Lonesome Pine, Brian Curtis and Sean Dikeman from Loudoun, Jason Slaughter from New River Valley, Dennis Pointer from Newport News, Holmes Smoke from Northern, Bill Baker from Southeast, Sonny Nipper from Conservation Police and Glen Neal from State Police. Also in attendance were SSPBA Chief Executive Officer Jack Roberts and SSPBA President Chris Skinner. Much was accomplished as we were surrounded by the breathtaking views and up close encounters with the parks resident wildlife.

On Sunday, the group gathered for a cookout in the evening. At times it looked like the weather would cause us to have to cancel the cookout and move our meal indoors; thankfully, the clouds broke and the rain stopped. During dinner we were visited by several groups of white tailed deer and one hungry black bear.

At 10am Monday morning the



L-R - SSPBA President Chris Skinner, VAPBA President Joe Woloszen, VAPBA Sr. Vice President Mike Wells, VAPBA Secretary Pelham Felder, VAPBA Vice President Tom Ground, VAPBA Vice President Sonny Nipper

Virginia Division Board meeting was called to order. Before the agenda began, Brian Curtis was awarded a plaque thanking him for his service as Loudoun Chapter president and for his service on the Virginia Division Executive Board of Directors. Brian is moving on to a federal law enforcement job, and he will be missed.

After hearing the reports from membership, legal, financial, communications, and the PBF, the board voted on the legislative agenda for the upcoming legislative session. The division has made the Virginia Line of Duty Benefit, the Virginia Retirement System, the Conservation Police Officer issues and the Overtime/ Gap pay issue our legislative priorities for the upcoming session of the General Assembly. The bills submitted by legislators will be monitored for impact on our membership.

The final agenda item for this year's board of directors meeting was to elect an executive board. Much discussion took place before the meeting and interest in serving on the board was at an all-time high. A motion was made to nominate the following board members for positions on the executive board. The motion passed, and the following members were elected to the executive board: President - Joe Woloszyn, Fairfax County Chapter; Senior Vice President - Mike Wells, Central Chapter; Vice President - Tom Ground, Alexandria Chapter; Vice President - Sonny Nipper, Conservation Police Officer Chapter; Secretary- Pelham Felder, Hampton Chapter

Congratulations to our new board, and thank you for your willingness to step forward as leaders of the Virginia Division.

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 and someone is hurt.

You're involved. As a PBA member, you're not alone. The 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
- The 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.

YOU NEED TO KNOW:

If the disciplinary action is grievable

**Your department's procedure
for grievances**

**How many levels of appeal
are available**

**The time and date deadlines
for grievances**

The PBA is serious about protecting you!

PBA OF GORGIA PRESIDENT HAS TWO PASSIONS: POLICING AND HIKING

By Jenna Lynn Causey

Communications and Public Relations Assistant, SSPBA



Joe Naia, 66, is currently the Police Benevolent Association of Georgia's president and serves on the Southern States Police Benevolent Association board as secretary/treasurer. Joe started his law enforcement career in New Jersey and then moved to Georgia 24 years ago. Joe has served in law enforcement for 35 years. He currently serves as Captain of the Wayne County Sheriff's Office as chief investigator.

Joe first started hiking in 2000. When Joe first started long distance hiking, he was clueless. He imagined that Wal-Mart was a great place to start. He purchased impractical and bulky materials to make his journey through the Appalachian Trail. At a hiking outpost along his journey, Joe met a famous long distance hiker and author, Nimblewill Nomad, who engaged in conversation with Joe. They talked about hiking gear and where Joe's gear was purchased. Nimblewill Nomad named Joe, *Walmart Joe*, and the name has

stuck ever since.

Joe is currently hiking the Continental Divide. The Continental Divide Trail along with the Appalachian Trail and the Pacific Crest Trail form the Triple Crown of long distance hiking in the United States. Joe completed the Appalachian Trail in 2005 (2,174 miles), the Pacific Crest Trail in 2011 (2,660 miles) and plans to complete the Continental Divide Trail by early 2013 (3,100 miles). He is beginning the last leg of his journey as I write this article. So far, he has hiked 340 miles. When Joe completes the Continental Divide Trail, he will have completed the Triple Crown of long distance hiking in the United States.

"I enjoy the environment,



Joe Naia outside the Mimbres Ranger Station before entering the wilderness of New Mexico.

meeting other hikers and the pure serenity of nature. I enjoy what God has put here for us," said Naia.

His favorite hike so far was in 2006, the John Muir Sierra Nevada Mountain Range (220 miles). On this hike, he reached the Mt. Whitney Summit at 14,496 ft., the highest point in the lower 48 states.



Joe Naia in front of the Florida Mountains in New Mexico.

A MEMBER SAYS THANK YOU TO THE PBA LEGAL DEPARTMENT



I wanted to take a moment to send you a letter of thanks for all of your support. In the early morning hours of February 20, 2012, I was involved in a deadly force incident stemming from a vehicle pursuit where the offender had attempted to run over two officers at the conclusion of the chase. Moments later, I contacted the after hours number for the PBA and was greeted by a caring and sincere female who fielded my call. She obtained basic information regarding my membership status and the incident. Within minutes of this initial call, a regional representative contacted me and obtained further needed information and advised me that an on-call PBA attorney would be in contact with me soon. From the time of my initial call to the PBA to the time where the PBA attorney contacted me, only 23 minutes had elapsed. I immediately realized the importance of having the PBA's legal support.

The attorney that was assigned to me is regarded as one of the top attorneys in my area, if not the entire state of North Carolina. He has provided great assistance and has been at my side for the standard interviews in the days that followed. He has kept in contact with me on a weekly basis to check on my well being.

If it is possible for you to track down the lady who fielded my initial call and the regional representative who called me back, I would like to commend them for a job well done and recommend each of them to be acknowledged for their professionalism and courteous demeanor during these times. Being in law enforcement, I understand entirely that we are not often commended for our efforts. The negative feedback never seems to cease; and your jobs are no different. Thank you for standing behind those who wear the badge and giving us peace of mind when we need it!

Sgt. Bryan Styles - Buncombe County Sheriff's Deputy, NC

WWW.SSPBA.ORG

NEW LOOK, SAME GREAT BENEFITS!

You may have noticed a change to the PBA's home on the web lately. Our membership and communications departments have worked together over the past few years to create and develop the perfect website and system to meet the needs of our members. After two years of designing and finalizing the site, the Southern States Police Benevolent Association launched the new and improved website in June 2012.

This new site enables members to update their information, check their membership status, pay dues, check and update beneficiary information, as well as many other actions. Members can log-in with a working email address that the SSPBA has on file. If the SSPBA does not have an email address on file for you, you will be prompted to call our office at (800) 233-3506, and our membership staff will be glad to assist you. Take advantage of this new and improved system today by visiting us online at www.sspba.org.



GUNTOWN MISSISSIPPI OFFICER BOBBY JOE BUSE EARNS TOP COP AWARD

By Tommy Simpson

Director of Organizational Services - west region, SSPBA



L-R - John Bishop, Assistant Chief, Guntown PD; SAC Daniel Mullen, FBI; Officer Bobby Joe Buse, Guntown PD; and Michael Hall, Chief, Guntown PD

By now, I am sure most everyone has heard of the abduction of Joann Bain and her three daughters, Adrienne (14), Alexandria (12) and Kyliayah (8). The tragedy quickly gained nationwide media attention after they were determined to have been abducted from their home in Whiteville, TN on April 27, 2012. During the course of the next two weeks, their abduction led to a massive manhunt in Northern Mississippi involving hundreds of officers from city, county, state and federal agencies. The manhunt was focused in the area of Guntown, Miss. and the close-by community of Alpine, an area which the suspect Allen Mayes was from and where relatives also resided. During the intense manhunt for the suspect and victims, the bodies of Joann

Bain and her oldest daughter Adrienne were found in shallow graves behind a mobile home in which the suspect and his wife resided. The intense manhunt continued until May 10th, when officers found Mayes and the two youngest girls, Alexandria and Kyliayah, hiding in a wooded area about a mile from the mobile home of Mayes. As officers closed in on Mayes, he committed suicide, shooting himself in the head. Both of the young girls were brought to safety, though suffering from hunger and dehydration. Both Mayes' wife and mother have been arrested on charges related to the abduction and murders. Four others have also been arrested thus far on other charges as a result of this investigation.

On May 15, 2012, at a ceremony held in Jackson, Miss.,

Officer Bobby Joe "BJ" Buse with the Guntown Police Department was presented with the "Top Cop Award" by FBI SAC Daniel McMullen. In the introduction of Officer Buse as the "Top Cop" recipient, SAC Mullen stated, "Officer Buse has worked with the Guntown Police Department for almost two years. He is a DUI officer and is a certified OC instructor. A contributing factor in the safe recovery of the kidnapped victims, Alexandria and Kyliayah Bain, and the apprehension of their abductor and FBI top 10 Fugitive, Adam Mayes, was the relentless effort of law enforcement as they pursued every lead. Countless SWAT operations were executed and heavily depended on Guntown police officer Bobby Joe "BJ" Buse's intimate knowledge of the heavily dense and wooded terrain within the Alpine, Miss. area. Without hesitation, Officer Buse led SWAT operators on every single SWAT patrol. If it were not for the expertise of Office Buse and his tireless dedication to duty and the recovery of the victims, the subject may have been able to elude law enforcement and flee the area. Office Buse was an invaluable and standout team member during the entire operation."

The PBA congratulates Office Buse on receiving this award and is very proud to say that he is a member of the Mississippi Division of Southern States Police Benevolent Association, as are his chief and assistant chief, pictured with him as he receives the award.

CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS

By Michael Bittick

Senior Vice President of the Middle Georgia Chapter, PBAGA

Many local governments are looking into the consolidation of city and county governments. They are looking at ways to save money and to stop duplicating services. In some cases, consolidation could be the answer. As law enforcement officers, we have to be concerned with how this will affect us.

The attempts to consolidate the City of Macon and Bibb County have been going on for many years. As a law enforcement officer for the City of Macon, I paid attention, but not close enough, because it never seemed to get out of the talking phase. In October 2011, our local legislative delegation started holding listening tours. The delegation wanted to know what the people thought of consolidation and what should be in the bill. I attended one of the meetings and listened to what the people of Macon and Bibb County had to say. The majority of the people that spoke were in favor of consolidation and wanted the "Top Cop" to be the Sheriff. As a police officer I would have liked to see the chief law enforcement officer be a police chief and have a county police force. It seemed to me that would have been the smoother transition. The constitution of Georgia says that every county will have a sheriff and if the purpose of consolidation was to save money, the citizens thought that having the sheriff as the top cop made sense.

It is my suggestion that if your city and county are considering consolidation, you should research



Michael Bittick, Sr. Vice President of the Middle Georgia Chapter of the PBAGA

other consolidated governments before you go to the meetings. Find out what worked and what did not work with other governments, especially for law enforcement.

In March 2012, the House passed Bill 1171 to consolidate Macon and Bibb County governments. After I read the bill, I had many questions on how the transition would affect my fellow officers. I started a Facebook page called "Consolidating Macon-Bibb LE," in hopes that many of my questions would get answered before the July 31st vote. The House bill calls for the top law enforcement officer to be an elected sheriff. I have never worked for a sheriff, so I had many questions. Freddie Pooler (who is on the PBA board with me) and I came up with six questions to ask the candidates who were

running for Bibb County sheriff about consolidation. The questions and answers were posted to my Facebook page so that everyone could read what they had to say.

Many answers were in the House bill in broad terms, but I wanted specifics when it came to the transition of pensions, pay, rank and civil service. You never know what a bill is going to look like until it comes out. When the legislators are asking questions, you should look at all scenarios. Ask questions concerning all aspects of it. Ask questions that would only apply if the top law enforcement officer is a police chief. Also ask questions that would only apply if the top law enforcement officer is an elected sheriff.

If consolidation passes in Macon-Bibb County many other counties will be looking to do the same. As members of the PBA, get involved early and study other consolidated governments. I have learned a lot from seeing the process up close and getting involved. Talk to your legislators and local government representative and tell them your concerns. Consolidation may not be the answer to all city and county government problems, but if they do attempt it, use your voice and knowledge to help get language in the bill that will protect you and your fellow employees.

**The consolidation bill passed on July 31, 2012, and is set to go into effect on January 1, 2014.*

PBA ENDORSES WALTER DALTON FOR GOVERNOR OF NORTH CAROLINA

CANDIDATE HAS PROVEN TRACK RECORD OF SUPPORTING LAW ENFORCEMENT OFFICERS

*By Randy Byrd
North Carolina PBA President*

On March 30, 2012, the North Carolina PBA conducted interviews for candidates seeking the office of governor. The candidates were invited to meet with the screening committee and answer questions of vital importance to law enforcement and PBA members. The questions were derived from several issues, including the selection criteria for state appointments, judges, colonel of the NC Highway Patrol, and the Criminal Justice Education and Training & Standards Commission. The selection committee also discussed whether the PBA would be welcome to discuss these appointments with the candidate if they became governor. Other issues present in the discussion gauged the candidates support for 25-year retirement for law enforcement officers, due process for law enforcement officers, and protection from retaliatory actions against officers who report corrupt management practices. The candidates' answers to questions about these issues were graded and discussed among committee members who made a recommendation to the board of directors. The board of directors chose to accept the committees' recommendations and endorse Lt. Governor Walter Dalton for governor.

Walter Dalton grew up in Rutherfordton in the foothills of western North Carolina. After graduating high school, he



L-R North Carolina PBA Division President Randy Byrd with Walter Dalton

received his undergraduate degree in business administration from the University of North Carolina and worked in the banking industry. He later returned to UNC and earned his law degree in 1975. From there, he ran a successful small business as the managing partner of a law firm and served as the county attorney for two decades. During this time, he was extremely active in his community, chairing his local community college board of trustees and working to provide scholarships to deserving students. He also served on the boards for the Red Cross and helped create the Child Abuse Prevention Society, while serving as a lay speaker in the United Methodist Church. In 1996, he was elected to the state Senate. Dalton served six terms in the Senate, representing a rural manufacturing district

composed of Cleveland and Rutherford counties. In the Senate, Dalton was a supporter of education and law enforcement. He was the primary sponsor of legislation that would have provided 25-year retirement for law enforcement officers. In 2008, he won a four-way Democratic primary and, despite being outspent by his opponent 3-to-1, won the general election for lieutenant governor of North Carolina by five points. Married for 40 years, Walter and Lucille are the proud parents of two grown children, Elizabeth Dalton Robinson and Brian Dalton.

Upon receiving the endorsement of the PBA, Dalton said, "I am honored to have the endorsement of the Police Benevolent Association. These men and women put their lives on the line every day to keep us all safe. As governor, I will work hard to support and protect the law enforcement officers of our state."

The PBA is looking forward to supporting Walter Dalton's candidacy for governor in the November election. According to NCPBA President Randy Byrd, "We are proud to endorse Walter Dalton for governor. He has a proven track record of working with and for law enforcement during his public service career. A vote for Walter Dalton is a vote for these officers and the citizens they serve."

A MASERATI IN FIRST GEAR

*By Dave Soderberg
SCPBA Division President*



SCPBA President and Southern States PBA Senior Vice President Dave Soderberg

One of my original mentors in the PBA once told me, “If you only joined the PBA for legal coverage, then you bought a Maserati and you are driving it in first gear.” As a car buff, I got the analogy pretty quickly, so I pressed him about his comment. He started to tell me about all the other aspects of the PBA, like political screenings, befriending our legislators, and educating our citizens on the needs of law enforcement. I’d never really thought about what he was telling me in great detail; after all, surely our legislators knew what cops were dealing with out in the streets and in our departments. Yeah, right.

That was 1998, and for the next several years, I was educated on the political process and what role political screenings, working with our legislators and educating

our ranks and the citizens play in strengthening our profession and association. It continues to be quite a learning process and if I have learned anything in the past 14 years, the saying is true, “All politics are local politics.” We should all care who becomes the next president of the United States, but the president does not affect our lives as much as our local council member or legislator if you work for a state or federal agency. The elected official who votes on your salaries and benefits is the politician who you should be most concerned with; these are the people you should know.

Most of these people are dedicated, honest, and just trying to do their best. At times, they just lack information, and that is where we need to step up and provide them with our concerns and requests, before someone else does who may not share our ideals. Recently, there has been a push by some Republican candidates to take away our retirement plans, citing that government workers have better retirements than private citizens. They want to change them from defined benefit plans to defined contribution plans. In essence, here’s your 401(k) plan, put what money you can afford in, and good luck to you.

I don’t know about you, but I have not gotten rich being a cop. In my personal opinion, no one can pay first responders or our military what they are worth. What do you pay someone willing to risk their life to keep

you safe? So a retirement plan/pension is how you make up on the back end for what they could not pay you during your career. I make no apologies. I’ve been in the cop business since 1982, and I have not seen another profession that requires the dedication and sacrifice that ours does.

Many people jump on the bandwagon to take away our benefits with little information and derive their opinions from shrewd and Goebblesque propaganda. It is our job to look out for our profession and to educate our legislators and citizens about the dangers we encounter, the services we provide, and the benefits we need to live, raise our families, and retire after giving the best years of our lives protecting others. We cannot stand by and expect others to fight our battles.

So educate yourselves on the people in office and running for political office; know where they stand, who they associate with and how they have previously voted. Get informed. Get involved with your chapters, attend screenings, speak with the candidates, endorse them and then walk door to door with them while they pursue the office they seek. You would be surprised how many people are influenced by a cop’s personal endorsement of a candidate. This year, my chapter endorsed a relatively unknown, first-time candidate, and we were able to assist him with unseating a 16-year incumbent councilman. It works; you just have to make the effort to shift gears!

DRUG WARS: THIS ISN'T YOUR MOTHER'S CARTEL

MODERN CARTELS POSE ONE OF THE BIGGEST THREATS TO LAW ENFORCEMENT NOT JUST ON THE SOUTHERN BORDER, BUT NATIONWIDE

*By Sgt. Betsy Brantner Smith
(Courtesy of Police One - published 12.01.11)*

In the early 1980s when I was a young narcotics cop — and the first and only female in my unit — all we heard about were the Colombian drug cartels. It was every young narc's fantasy to get the “big score” that would lead us straight to a Colombian connection. The cartels were famously ruthless, and it took many years and too much bloodshed for them to be dismantled in the late 1980s, but dismantled they were.

Nearly three decades later, the modern-day Mexican drug cartels pose one of the biggest threats to the safety of American law enforcement officers not just on our southern border, but throughout this nation. Recently, I was privileged to speak with crime analyst, author and cartel expert Sylvia Longmire about this complicated and dangerous situation.

First and foremost, Sylvia is truly a role model for any woman in law enforcement or the military. She is a medically retired Air Force captain and former Special Agent with the Air Force Office of Special Investigations. She is an experienced investigator and has worked extensively in the fields of counterintelligence, counterespionage, and force protection. During her last assignment, she worked at HQ AFOSI as the Latin America desk officer, analyzing issues in the US Southern Command area of responsibility that might



affect the security of deployed Air Force personnel. For over four years Sylvia worked as a senior intelligence analyst for the California state fusion center and the California Emergency Management Agency's Situational Awareness Unit, focusing almost exclusively on Mexican drug trafficking organizations and southwest border violence issues.

For the last six years, she has regularly lectured on terrorism in Latin America at the Air Force Special Operations School's Dynamics of International Terrorism course. She holds a Master of Arts degree from the University of South Florida in Latin American and Caribbean Studies — this woman knows her stuff! Sylvia is currently an independent consultant, freelance writer, and dynamic

public speaker, and like many of you, she balances a busy career with an even busier young family.

Not just a border issue

As I talked with Sylvia, three words immediately came to mind: Passionate, focused and frustrated. As a part-time resident of Arizona, I'm amazed that the violent drug wars on our southern border don't seem to get the national attention they warrant, and I asked Longmire about that. She shares my frustration.

“Ninety percent of the illegal drugs consumed by Americans come from Mexico,” Sylvia told me. The drug trade in the US is almost entirely connected to the cartels, and it's no longer just a “border” issue. The U.S. Justice Department's Drug Intelligence Center reported in April of 2011 that Mexican drug cartels were operating in 230 American cities. Longmire estimates that number could now be nearing 1000.

“If you make a traffic stop and you seize a bunch of dope, you're going to have a cartel problem,” she said, “and someone



is probably going to come looking for their dope.” In other words, that drug seizure of a lifetime for a patrol cop could turn into a security issue for the local police department and maybe even for the community itself. Longmire recently completed her first book, “Cartel: The Coming Invasion of Mexico’s Drug Wars” to help bring this issue to the forefront, and it’s a must-read for every cop (and concerned citizen) in North America.

There are six or seven primary cartels operating the Mexican drug trade. Longmire cites the brutal drug-related torture and murder of four men in Shelby County, Alabama in August of 2008 and the November 2010, record-breaking methamphetamine seizure in Gwinnett County, GA as only two of countless examples of violent, high-level Mexican cartel criminal activity well north of the US/Mexican border. So what should the average street cop, detective, narc, and even dispatcher be aware of?

Cartels in your Community: What to Consider

1. Understand that there is no single drug involved; cocaine, marijuana, and meth are primarily cartel-controlled, and the substances don’t just come from Mexico. The cartels use public lands within the United States to grow massive amounts of marijuana, often exploiting their own people to plant, tend and harvest it.

2. The cartels are highly organized and although they are often able to hide successfully in Mexican communities intimidated by their



financing and their brutality, they often use local street gangs and criminal infrastructure to move their merchandise within the United States. When you find an illegal drug, it’s more than likely cartel-connected. And the “haulers” may not be Mexican; the cartels will use any criminal organization willing to get involved.

3. There is an increasing willingness for the cartels to engage US law enforcement officials on our own soil. It’s in the criminals’ best interest to avoid the police, but if you make a large seizure, disrupt local operations, or prevent transportation of their product, be prepared. The cartels are extremely brutal and generally without conscience. They have no problem seeking you out, your residence or your family to exact revenge or get you or your agency off of their backs.

4. Be prepared to see more high-quality black tar heroin from Mexico, and the price is starting to plummet, making it more available. This means that in certain cities, you may start seeing more of it used by middle class teenagers and young adults.

Some of the better stuff doesn’t even need to be injected anymore, getting rid of that “shooting up” social stigma. Mexican meth is also manufactured in huge quantities using “super-labs” and ingredients often imported from China; some of it may be in gel form.

How can American law enforcement help fight this war? Intelligence and information-sharing are two key weapons. Just like drug dealers have turf wars, so do cops. Longmire admits there are a lot of hurdles that the police culture needs to overcome. Our reporting systems are not well-connected and we tend to be too localized. Most criminals are not going to identify themselves as part of the cartels, so cops have to ask the right questions and document everything said. We need to access fusion centers, talk to each other, and remember that we’re all on the same team... really.

After all, this issue is not just a “war on drugs” and should not be confused with the controversy surrounding illegal immigration. This is a war against the violence being inflicted upon our citizens, our children and on us, and it’s a war we must win!

SACC ANGLERS REEL IN THE KEEPERS AT ANNUAL 'FISH WITH A COP DAY'



The Upper Cumberland Chapter of the Tennessee PBA partners with participants in the Structured Athletics for Challenged Children (SACC) each year to enjoy an afternoon of fishing at the Twin Lakes Catfish Farm in Baxter, Tenn. This year will mark our 10th anniversary of hosting this event. SACC is a local organization that assists those with physical and mental disabilities to enjoy various athletic events such as baseball, bowling, basketball, gymnastics, fishing and much more.

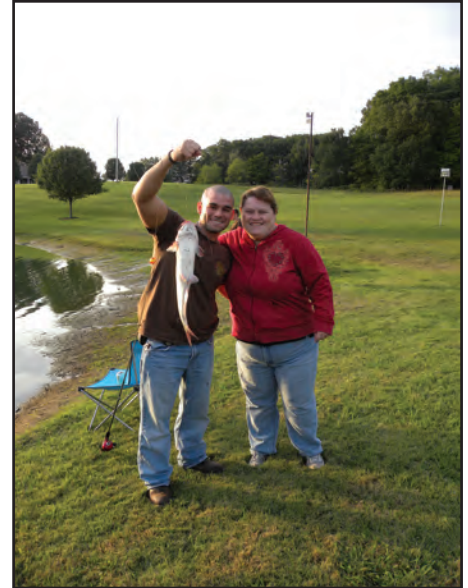


The members of the Upper Cumberland Chapter of the Tennessee PBA and participants of the SACC and their families fan out all around a large lake that is stocked full of catfish and assist them “drown some worms.” Members of the Upper Cumberland Chapter give out

awards for catching the “Largest Fish,” the “Smallest Fish,” and the “Most Fish”!! The last couple of years, all three categories were almost swept by one person; competition was tight.

After an eventful afternoon of fishing, everyone gathered together to continue socializing while enjoying a great cookout of hamburgers and hotdogs with all the fixings, cold drinks, and plenty of sweet treats. This great event is made possible each year by the support and donations from the Southern States PBA, officers, friends, and other numerous corporate sponsors. The Upper Cumberland Chapter members have also developed a strong relationship with our local Kroger store, and they go beyond the call of duty in assisting us in supplying enough food to feed about 125 people!

All in all, it is a great day of fellowship with friends that love and admire law enforcement officers. The participants always appreciate and enjoy



spending time with all the officers in attendance. Too often, we as law enforcement officers tend to become very cynical. However, for the deputies and police officers that participate in this event, all are once again reminded of why they became law enforcement officers. It gives all involved the opportunity to spend time with the kind of folks that many law enforcement officers went into the profession to serve in the first place. This event reminds us that we not only enjoy helping others, but, in the process, continue to make our community a better place to live.

twitter



*Do you tweet?
Use hashtag
#SSPBA to tell the
world about how
much your PBA
membership means
to you.*

RACE FOR THE FALLEN
HALF
MARATHON
RED TOP MOUNTAIN

**The finish line is
13.1 miles away.**



KEETER AND K-9, LAW ENFORCEMENT OFFICER OF THE YEAR

Jason Keeter of the Halifax County Sheriff's Office, N.C. and his K-9, Brody, received the "Law Enforcement Officer of the Year" award on April 2, 2012. The award was presented by the American Legion Post 38 in Roanoke Rapids, N.C.. Sheriff Jeff P. Frazier of the Halifax County Sheriff's Office nominated Jason.

Jason and Brody's hard work and dedication has yielded a high success rate in tracking and apprehension of criminals as well

as lost/missing citizens. Jason Keeter and Brody have recovered substantial amounts of cash and drugs during vehicle stops and search warrants.



JOIN US ON FACEBOOK!

Hundreds of police departments nationwide are already utilizing social media, and those that aren't are considering it. The SSPBA has joined those agencies on social media outlets. Each division now has its own Facebook and Twitter page. These pages are updated daily with division specific information and news articles. Some police are calling social networking one of their newest crime fighting weapons because it can be used for crime mapping and reporting, emergency preparedness and response, alerts and notifications, investigations, and soliciting tips. These social media outlets also allow users to connect with other law enforcement personnel and supporters. In addition to finding the SSPBA and your division on social media you can also find the Police Benevolent Foundation.

The Police Benevolent Foundation uses social media outlets



such as Facebook, Twitter, and YouTube to rally people behind its initiatives, which include providing financial support to the families and survivors of officers

killed in the line of duty, funding scholarships for well deserving youth, providing assistance to law enforcement personnel during disasters, and funding activities and services in support of law enforcement. Most recently, the Police Benevolent Foundation has launched its *I Wish You Knew* campaign, which is a collection of officer and family video testimonies about the harsh realities of law enforcement work. All of these videos can be found at the PBF's *I Wish You Knew* website: www.iwishyouknew.org.

The SSPBA and the Police Benevolent Foundation have seen tremendous growth on their social media outlets and an outpouring of support when our officers need it the most.

PBA MEMBER TELLS COMPELLING STORY AND OFFERS HEARTFELT THANKS TO THOSE WHO SAVED HIS LIFE AND HELPED HIM RETURN TO DUTY

*By Chad Penland
Cary Chapter member, NCPBA*

My name is Chad Penland. I work for the Cary Police Department, assigned to the Traffic Safety Team Motorcycle Unit, and I am a motorcycle crash survivor.

On July 15th, 2011, my day started out like any other day on the job as a police officer. However, before this work day would come to a close, my way of life as I had known it for 32 years would be changed forever. On this date, at 4:57 p.m., I was involved in an on-duty motorcycle crash with a full size pick-up truck. As I was proceeding through an intersection in pursuit of a violator, with my emergency equipment on, the driver of the vehicle turned left in front of me at the intersection of Morrisville Carpenter Rd and NC Hwy 55. I collided with the vehicle and was thrown from my bike. I received major injuries as a result of the collision. Some of those injuries were near fatal. A nurse who was traveling the same route witnessed the accident and immediately came to my aid. She opened my obstructed airway and provided words of comfort until EMS arrived. I remember nothing of the events of that day from the time the accident occurred. My mind “woke up” again four days later when I found myself in Duke University Medical Center. It was

only then that I learned I had been involved in a crash and had come within mere minutes of dying on the highway. Over the next twelve days, I underwent numerous surgeries to repair my broken jaw, broken arm and the de-gloving

still conscious and asked questions about the seriousness of my injuries. I also wanted to know if I was going to die. According to these doctors, I had about a 90% mortality rate and they were concerned about me living through



Chad Penland, in his hospital bed after the accident thanks Jessica Elliott for stopping to help save his life.

the night. The force of the collision and the trauma exerted upon my body was nearly equal to me being dropped off a three story building. One doctor told me that had it not been for the nurse that came to my aid that I would have died in less than three minutes. I would have drowned in my own blood due to the severity of my broken jaw and facial injuries. He said he

injury received to my right arm.

Before leaving the hospital, I was told of the seriousness of my injuries by some of the medical doctors that were treating me. Some of them were also there the day I came into the emergency room by way of ambulance. On the day of the accident, my injuries were so severe they immediately called for Duke’s “Life Flight” helicopter to transport me. This plan was changed, however, when it was realized that there was no time to spare. The decision was made to transport me by ambulance. I also learned that upon my arrival to Duke, I was

hoped one day I got to meet the woman who was now known as the “Angel in Orange” for the orange shirt she was wearing on the day she saved my life.

Two weeks after being discharged from the hospital, I met the woman who had saved my life that day as I lay dying on the highway. Her name is Jessica Elliott, and the events that brought her to me that day are amazing and a true testament to the work of our Lord and Savior. Jessica had left her home in Lynchburg, Va. on that day as she headed to her brothers home in Cary. Before this day, she had never taken the

route that she took on Highway 55. On the day of my accident, she decided to take Highway 55 to try and avoid some of the congestion on I-40. She ended up two cars behind me as the collision in the intersection occurred. She was traveling with her two-year-old daughter in the vehicle when she left her vehicle to come to my side. By all accounts, her actions saved my life. Even more ironic is the fact that when Jessica was seven years old, her dad saved a man's life that was injured in a motorcycle accident. He left Jessica in his vehicle that day as he went to save that individual's life as well. It is also incredible to note that Jessica's dad retired as a Virginia State Trooper.

Jessica and I continue to keep in touch and have developed a bond that can't be broken. Our families are now close and have been woven together as one. Jessica has met many in my police family as well and has attended two ceremonies where our story has been told. I will always be grateful to Jessica, because without her, I wouldn't be here to be part of this incredible story.

There are others...so many others that I want to thank. First and foremost, I want to thank the Lord above for guiding the events that day so that I could be here to contribute another day. I want to thank the people who were at the intersection of Morrisville Carpenter Rd and NC Highway 55 that day. These people literally took the shirts off of their backs and ripped them into rags to try and control and stop my bleeding. I want to thank the fifty plus police officers from Cary, Apex, Morrisville, Holly Springs, Wake County

Sheriff's Office, and the NC State Highway Patrol who came to assist that day. I want to thank John Barielle, Christian Hennick and Kevin Pollock who were working with Cary EMS and responded to the scene that day. They were tireless in their efforts as they worked on me all the way to Duke University Medical Center. I want to thank the man I know only by the nickname of "Duck." "Duck" works for the Morrisville Fire Department and drove the EMS unit to the hospital while they attended to me in the back. All of these professionals assured me when they came to see me a few weeks later that my death was never an option for them in the back of that ambulance. I want to thank the medical doctors at Duke who stayed until 2 a.m. the next morning operating on me and doing all they could to save my life.

"I will always be grateful to Jessica, because without her, I wouldn't be here to be part of this incredible story."

I want to thank the motor units for the Raleigh Police Department, Morrisville Police Department, UNC-Chapel Hill Campus Police and the NC State Highway Patrol who came to see me on a regular basis and to check on my family. I want to thank everyone in the Cary Police Department who filled the hospital for the entire time I was there and kept reassuring my family that I was strong, a fighter and that everything was going to

be OK. I want to thank Lieutenant Tracey Barker, commander of the Traffic Safety Team of the Cary Police Department. Lt. Barker came to see me and my family every day that I was in the hospital. These visits included multiple visits on the same day. He even came and picked me up on the day I was discharged and took me home. I would like to thank Dr. George Edwards Jr., Jo Cullingford and the staff at the Raleigh Hand Center who treated me for seven months of physical therapy for my right arm. They promised to do everything they could do to return my function in my arm to as close to normal as possible. These incredible individuals never gave up on me even during those trying days of self doubt. I want to thank Dr. Jeffrey Jelic and his staff who oversaw the reconstruction of my jaw. Because of their expertise and commitment, my jaw has been repaired to the point that it will be normal again. I want to thank Dr. J.D. Smith and his entire staff at Smith Orthodontics. I want to thank Dr. Bruce Howardsby. Dr. Howardsby inspired me to mentally prepare for the challenges ahead and that adversity can be overcome if you focus positively on the task at hand. I want to thank Dr. Samuel DeAngelo who ensured that I got the best possible care for my facial injuries. He has continued to provide me insight and knowledge about my injuries. I would like to thank the members of the Cary Chapter of the NC Police Benevolent Association, especially the board of directors. The Cary Chapter's efforts led to a fund that was set up through the Police Benevolent

Foundation. The PBF was able to get immediate financial support to my family as I recovered from my injuries. I would like to thank Randy Byrd who made sure that my family and I had everything we needed even before we could think of it or needed it. I would like to thank Maggie Watkins who was my nurse case manager for workers compensation. Maggie made me a promise in the hospital that if I wanted to return to work, she would see that I got the best doctors and surgeons the state of North Carolina had to offer. She said this one day as I was just starting to wake up. After she had made it, I remember her saying to someone in the room, "He will probably never remember me being here." I did remember what she said, and I still do. Even though Maggie believed the promise she made me had fallen on deaf ears, she was unwaver-

ing in her commitment to keep it. For Maggie, a promise made is a promise kept. Six months later, I was able to tell her that I remembered the promise that she had made and that I would always appreciate everything she had done for me. And, finally, I would like to thank my parents Roger and Linda and my beautiful girlfriend Misty McGee. Not only have they been there to care for me but have supported my decision to return to work and the bike. I am so fortunate to have them in my life.

On February 16, 2012, seven months and one day after the accident, I was released by my medical doctors to return to full and active duty status with the Cary Police Department. All of my doctors called my recovery nothing short of amazing.

In closing, I wish you knew what it means to me to be able to write this letter that you are

reading today. I wish you knew the people I have met along this journey who not only excel in their chosen careers, but as human beings. I wish you knew how much people really do care for law enforcement officers and the job that we do. I wish you knew how grateful that I am to be able to return to my chosen profession and to do what I love to do.

**Chad is originally from Burnsville, N.C. and completed Basic Law Enforcement Training at Asheville-Buncombe Technical Community College before beginning his law enforcement career with the Burnsville Police Department. He transferred to the Cary Police department in 2003. Chad is currently assigned to the Traffic Safety Team as a motorcycle officer. Chad is a member of the North Carolina Police Benevolent Association's Cary Chapter.*

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THE CONFLICT: LAW ENFORCEMENT'S GREAT DICHOTOMY

By Jeff Fluck

Director of Governmental Affairs, SSPBA

The conflicted position of many in this association and throughout the law enforcement profession is not easy to resolve. Members ask, how can I be a strong supporter of employee rights and benefits, but still hold a “conservative” political view? How can I stand with Democrats who historically have supported and moved to improve my working conditions and benefits, when most are so far left in their ideology that they stand on the verge of accepting a socialist government structure?

While Republicans publicly profess to be “supporters of law enforcement,” in this profession we know that their support does not equate to support of law enforcement “officers.” While they stand up for strong law and order, and are willing to spend millions to obtain equipment and technology to fulfill that mission, it ultimately comes down to the “cop on the street” to accomplish the work. Republicans have historically treated the officer on the street more like a public peon than as a public servant.

But there is hope. The “divide” is not infinite. There are Democrats that love this country and the principles upon which it was founded. And there are some bold Republicans that truly support law enforcement and the officers

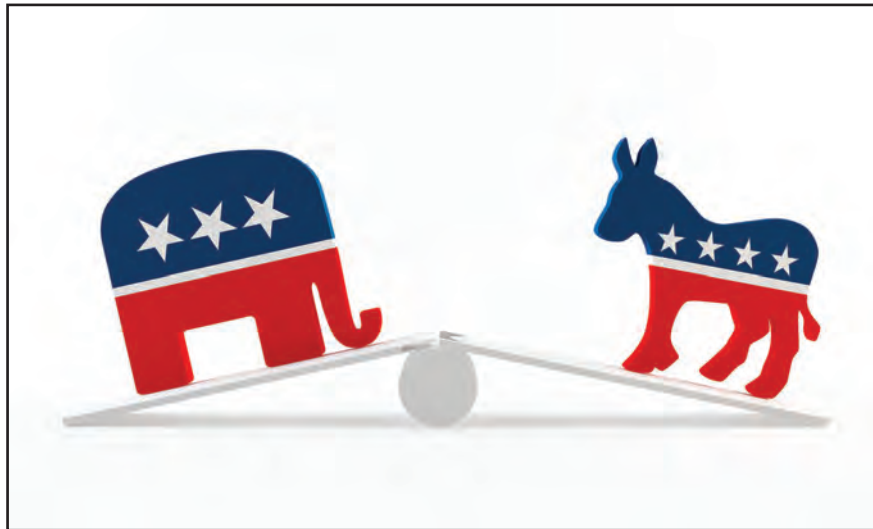
that provide the security and peace in our communities. So we need not paint all with too broad a brush. So how do we resolve the conflict within us?

The answer lies in your personal decision to be either a victim or a participant. You can continue to complain about both

the entire sphere of developing political relationships. The process involves identifying those who would be advocates for our members and this profession, then developing a relationship based on an exchange of information as we educate them on the true needs of law enforcement professionals. Through a coordinated effort with your dedicated fellow members, these new partners are elected to office at the local, state and federal levels. It is then that the relationship is put to the test. As these elected idealists face opposition from other elected officials and their own party, we

must stand with them for what is right. We must support them in their efforts to support us. We must continue the relationship, continue to educate, continue to communicate, and continue to support them, up to and through the next election cycle.

The only way we will ever resolve the conflict within us is to get involved and help “develop” the elected officials that will become the resolution. Become an active chapter member and get involved in the political screening process. Support those candidates that show support for you and your law enforcement career, not just because they have a D or an R next to their name on the ballot.



parties’ disregard for your welfare and your country, or you can stop complaining and do something about it. If you are reading this, you have taken the first step. You joined an association committed to the election of candidates who also see this conflict and are bold enough to do what is right, not politically correct. As you know, these candidates are rare, but you can help change that. By getting deeper involved in the association’s political activity, you can help identify, develop and elect these unique individuals.

The Southern States Police Benevolent Association’s political activity is a deliberate, calculated process, which encompasses

VIRGINIA GENERAL ASSEMBLY UNANIMOUSLY PASSES CRITICAL INCIDENT PEER SUPPORT BILL SUBMITTED BY THE VIRGINIA PBA

*By Sean McGowan
VAPBA Executive Director*



*Sean McGowan, VAPBA
Executive Director*

While attending a meeting at the Southern States Police Benevolent Association's main office in Georgia, I had the opportunity to discuss the *Behind the Badge* suicide prevention training with Mississippi Executive Director Tommy Simpson. During our discussion, he told me about the Mississippi Peer Support bill that he and his division successfully lobbied through the legislature. This law and the PBF's *Behind the Badge* seminar are focused on the prevention of law enforcement suicide.

My research of Virginia law revealed that no confidentiality protection was given to any peer support counselor, and that any discussion between a peer support counselor and an officer involved in a critical incident was subject to disclosure. Basically, any peer support counselor that assisted an officer after a critical incident

became a witness and could be compelled to reveal the discussion details.

I had discussions with chapter presidents and board members revealed interest in getting a law passed to protect our members in Virginia who may become involved in a critical incident.

At the Virginia Division board meeting on September 19, 2011, the division's legislative agenda was discussed. A draft of a bill was distributed to the state board of directors. This board is made up of state chapter presidents. This draft was based on a law recently passed in Mississippi, code 13.1-22.1. Representatives from chapters in Virginia agreed that this bill should be a legislative priority.

***"I had discussions
with chapter
presidents and board
members revealed
interest in getting a
law passed to protect
our members."***

Our screening process began October 2011 for the offices of State Senate and State House of Representatives. Candidates were asked if they would support a law creating confidentiality between an officer involved in a critical incident and a peer support counselor. There appeared to be a high level of support for a peer support confidentiality law. Sixteen candidates were endorsed;

twelve were ultimately elected. These screenings gave me, as lobbyist, numerous senators and delegates to count on for support during the legislative session.

Before the legislative session began, I contacted endorsed candidates Delegate Jackson Miller and Senator Creigh Deeds about possibly sponsoring our peer support bill. Both agreed to patron the bill. This gave the PBA support from the House Majority Whip, Jackson Miller (R), and Senior Senator and long time friend of the PBA, Creigh Deeds (D).

While legislative services drafted suggested language for the bill, I learned that a similar bill was being considered by Delegate Joseph Yost, a freshman republican and PBA-endorsed candidate. I visited Delegate Yost and learned that he submitted the bill after hearing about the peer support issue at our screening.

The bills that were ultimately introduced were House Bill 856, House Bill 1101 and Senate Bill 362. Minority Whip Charniele Herring agreed to co-patron House Bill 1101, and Senator John Edwards agreed to co-patron Senate Bill 363. Other members who signed on as patrons to these bills were Delegate Eileen Filler-Corn, Delegate Mayme Bacote and Delegate David Englin. Senator Thomas Garrett, Senator Mamie Locke and Senator Bryce Reeves also were co-patrons of the senate bill. Support for the bill spanned from freshman to senior members and crossed the aisle, including

Democrats and Republicans.

On February 1, Senate Bill 362 was heard by the Senate Committee for Courts of Justice. The bill passed by a vote of 10 to 4. Senator Obenshain argued his opposition to the bill and met with me after the committee meeting. A slight wording change to the bill addressed the area where he had concern and the Senator gave his full support to the bill.

On February 2, the House Committee on Militia, Police and Public Safety, sub-committee 2, heard House Bill 1101. House Bills 1101 and 856 were incorporated as one, and passed sub committee unanimously. On February 3, House Bill 856/1101 was heard by the full committee on Militia, Police and Public Safety. The bill passed full committee unanimously.

At crossover, the House bills are sent to the Senate and vice versa. House Bill 856/1101 was heard by Senate Committee on Courts of Justice on February 15. Senate Bill 362 was heard by House Committee on Militia, Police and Public Safety on February 16. Both of these bills passed out of committee unanimously. On February 23, the speaker of the House and the president of the Senate signed the bill. The bill was approved by Governor Robert McDonnell on March 7, 2012, and became Virginia law in July.

This demonstrates how we can use the PBA system of member involvement, chapter involvement, state level involvement, our screening process and the political system to improve working conditions for law enforcement professionals.



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ATTORNEY SPOTLIGHT: THOMAS V. ("TOMMY") DUCK III, ALBANY, GA



Attorney Tommy Duck first saw the value of the PBA when he was a patrolman with Columbus (Ga.) P.D., and he became a member himself. He later entered law school and then worked as an assistant district attorney for several years prior to moving into private practice. As a PBA referral attorney for the past three years, Tommy has handled numerous cases for southwest Georgia PBA members. He specializes in criminal law and has been quick to respond to the PBA requests for assistance.

"I know firsthand the kinds of sacrifices that the PBA members are required to make on a daily basis and the dangers that they face," Tommy said. "I feel very fortunate to be able to represent the PBA members during the most important times of their lives and careers."

Tommy Duck is a graduate of Columbus State University and John Marshall Law School. He is actively involved in the Albany/Dougherty County community and was named in the Albany Herald's "Southwest Georgia's 40 under 40" for 2011.

"I feel very fortunate to be able to represent PBA members during the most important times of their lives and careers."

FAIRFAX COUNTY CHAPTER, ACTIVE AND GROWING

By Sean McGowan, VAPBA
Executive Director



VAPBA division president, Joe Woloszyn awarding a door prize to state trooper at the MADD awards



Puck winner Kelly Dennis and Joe Woloszyn

Virginia PBA President Joe Woloszyn has come a long way in a short time as a PBA leader. As soon as Woloszyn became a member he began to play an intricate role in the activity and growth of the Fairfax County Chapter and has made it one of the most successful chapters in Virginia this year.

Officer Woloszyn has arranged roll call meetings that allow the PBA to address officers in Fairfax. PBA representatives were able

to explain benefits at over thirty-five different roll call meetings. With the dissemination of benefit information and tireless recruiting by Woloszyn, PBA membership in Fairfax County grew from less than fifteen to over two hundred!

Before becoming VAPBA resident, Woloszyn accepted the position as the chair of the Fairfax County chapter steering Committee. As chair of the steering committee, Woloszyn took advantage of two opportunities to speak to the county board of supervisors about the PBA and issues important to members in Fairfax County.

Woloszyn also reached out to officers and support personnel at other police departments that are within the county of Fairfax, inviting them to join the Fairfax County Chapter.

Board volunteer forms were sent out to all Fairfax members, and board members met, electing Joe Woloszyn as chapter president.

Thomas Thompson was elected senior vice president, Marta Goodwin was elected vice president, and Gregory Fried was elected secretary.

As newly elected VAPBA President, Joe Woloszyn has taken every opportunity to spread the word about the PBA, to recruit members, and to involve his chapter in fundraising for the PBF. A raffle for a game hockey puck from the Washington Capitals, autographed by Marcus Johansson, was organized by the Fairfax board members, raising two hundred fifty dollars. The winner of the raffle was Kelly Dennis.

At the 21st Annual Awards for Excellence in Community Service and Public Safety, presented by MADD, Officer Woloszyn was among ten PBA members honored for their DWI enforcement efforts. The PBA was well represented at the ceremony, providing door



Joe Woloszyn (center) and Senator Dave Marsden (right)

prizes for the award winners and setting up an information booth. Woloszyn had the opportunity to meet and talk with State Senator Dave Marsden.

The PBA members recognized for their DWI enforcement records were: Police PFC Ali Sepehri and PFC Jonathan Luety from Fairfax County, MPO Sharon Radfar and MPO Emily Ross from George Mason University Police, Alexandre Bracke a Loudoun County Deputy, Officer James Brann from the City of Manassas Park, and Master Trooper Charles King, Trooper Kevin Warsinsky, and Trooper Daniel Wells from Virginia State Police.

The Fairfax Chapter is well on its way to becoming a driving force, enthusiastically representing their members locally and on a state level.

REMEMBERING KENNY FOX

By Chad French

Natchez Trace Chapter President, TNPBA



On April 7th, tragedy struck when PBA member Kenny Fox was killed fighting a fire in Decatur County. In addition to serving as a sergeant with the Decatur County Sheriff's Department, Fox was the District 3 Fire Chief with the Decatur County Volunteer Fire Department. Chief Fox was fighting a fire at the Oakhill Café Bar and Grill when the roof collapsed, taking his life. As the roof began to collapse, Chief Fox pushed two other fire-fighters to safety, which is believed to have saved their lives. Chief Fox died the way in which he lived his life, protecting all those around him. The fire that took Chief Fox's life has been ruled an arson and is still currently under investigation.

Chief Fox was a big man with a big heart who had a love for public safety. Kenny Fox has been described as one of those individuals who truly was always willing to lend a helping hand, no matter what the circumstance, and he was a hero to many long before his tragic death. The loss of Kenny Fox is a void that that can never be filled in the Decatur County community due to the many hats

he wore. It's estimated that more than 1,000 mourners turned out to pay their respects at Fox's funeral, which is a testament to the numerous lives he touched. At the time of his death, Kenny Fox was serving as president of Natchez Trace Chapter of the SSPBA and had been a PBA member since 2009. In addition to his wife, Kenny Fox leaves behind three children.

On, July 23, 2012, Tennessee Governor Bill Haslam announced a \$20,000 reward for information leading to the apprehension, arrest and conviction of the person or persons responsible for the death of Decatur County Fire Chief Kenny Fox.

"I encourage anyone who knows anything about this case to contact local authorities immediately, and I hope this reward leads to justice for Chief Fox's family," Governor Haslam said.

Hansel McCadams, District Attorney General for the 24th Judicial District, and the Tennessee Bomb and Arson Investigation Unit request that anyone with information about the fire call the arson hotline at 1-800-762-3017.

I WISH YOU KNEW



Officer Jonathan Schmidt - EOW 4/12/11

Scan the QR code below with your mobile device to get to know fallen Officer Jonathan Schmidt and other brave officers like him.

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PBA OF GEORGIA - 2012 STATE LEGISLATIVE UPDATE

By Joe Stiles, PBAGA Executive Director



Joe Stiles, PBAGA Executive Director

The 2012 Legislative Session ended on March 29, 2012.

The following bills passed both chambers and have been signed by the governor. Unless otherwise noted, these bills became law on July 1, 2012.

HB 397 was sponsored by Representative Jay Powell. It revises code sections OCGA 50-14-1, 50-18-70, and 50-18-72 related to open records laws. Among other things it makes revisions to the definition of meetings, notification and voting requirements, and reduces the fee for copying to 10 cents per page.

HB 541 was sponsored by Representative Bubber Epps. It revises code section OCGA 16-10-97 to make it a felony to threaten or intimidate any law enforcement officer or their family members in retaliation for that officer's performance of their official duties.

HB 827 was sponsored by Representative Bill Hembree. It revises code section OCGA 40-6-395 making it a felony to flee or attempt to elude a law enforcement officer when the speed limit

is exceeded by more than 20 mph; a vehicle or person is struck; conditions place the public at risk of serious injury; BAC exceeds 0.08; or suspect leaves the state.

HB 872 was sponsored by Representative Jason Shaw. It revises code sections OCGA 10-1-350 through 10-1-362 as it relates to metal recycling, secondary metal recycling procedures, registration of secondary recyclers, defines regulated metal properties, and other efforts to control theft.

HB 928 was sponsored by Representative Lynne Riley. It amends OCGA 47-17-27 to allow the Peace Officers Annuity and Benefit (POAB) Fund Board of Directors to set up hearing procedures to resolve disputes between the board and members of the state's voluntary supplemental retirement plan.

HB 987 was sponsored by Representative Lynne Riley. It creates OCGA 47-17-105 requiring any plan members to notify the POAB when a change in employment or job description renders them ineligible for continued membership.

HB 997 was sponsored by Representative B.J. Pak. It adds code OCGA 16-10-20.1 to make it a felony to file false liens and encumbrances against law enforcement officers or any public employees. It also makes it part of Georgia's RICO law. It is intended to curb filings by subversive individuals (i.e., sovereign citizens). This bill became effective on April 16, 2012.

HB 1176 was sponsored by Representative Rich Golick. It

makes numerous changes across the criminal justice system. Some of the changes include: OCGA 16-7-1 creates burglary in the first degree for burglaries of residential property and all others are now burglary in the second degree; OCGA 16-8-12 and 16-8-14 are amended to increase the penalties for theft by taking and theft by shoplifting; OCGA 16-13-30 and other related sections are amended related to changes in controlled substances punishments; and OCGA 17-3-1 and 17-3-2.1 removes the statute of limitations for certain sex crimes committed on or after July 1, 2012.

SB 231 was sponsored by Senator Lindsey Tippins. It amends OCGA 42-8-60(d) to add certain crimes of violence against law enforcement officers to the list of crimes denied first offender status. Almost every judge was already denying first offender pleas for these crimes and many more; however, this law will eliminate judicial discretion in these particular first offender crimes.

SB 350 was sponsored by Senator Don Balfour. It amends OCGA 16-16-2, 17-5-51, and 17-5-52 as related to returning or selling firearms no longer being held for evidentiary purposes. This bill became effective May 2, 2012.

SB 441 was sponsored by Senator John Crosby and others. It creates OCGA 16-10-34 making it illegal to point a laser device at any law enforcement officer without that officer's permission. It is punishable as a misdemeanor of a high and aggravated nature.

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 for 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.

MIDDLE GEORGIA PBA CHAPTER SPONSORS HIGH SCHOOL BAND CAR SHOW

By Guy Fussell

Middle Georgia Chapter President, PBAGA



Best in Show: 1949 Chevrolet Deluxe, fully restored - owner Mr. Paul Vianey

On May 14th, 2011, the Middle Georgia Chapter of the PBA of Georgia proudly sponsored the "Panther Regiment Rev-up Car Show" in Perry, Ga. Over 35 cars and motorcycles entered the car show, and all proceeds benefited the multi award-winning Perry High School Panther Regiment Band. Guests enjoyed live music from the Perry High School Jazz Band while they looked at the vehicles. Trophies were awarded in the following categories: Custom, Original Restoration, Motorcycle, Truck, Public Service Vehicle, Best Engine, Best Paint, Young Gun Award (under 18), and of course, Best of Show. The winner of Best of Show was a '49 Chevrolet Deluxe. Paul Vianey, the car's owner, bought the car and took his girlfriend, now wife, on their very first date in it. To this day, they drive the car often, and it has been restored at least three times. The car show was very successful, and it raised over \$3,000 for the Perry High School Band. The Middle Georgia PBA Chapter plans to sponsor this event again in the future.



Band Booster President Valerie Swyrn awards Deputy Nathan Noler of the Houston County Sheriff's Department his trophy in the "Public Service Vehicle" category.

TENNESSEE PUBLIC SAFETY NETWORK SERVES OFFICERS IN TIME OF NEED

By Chip Kain
Knox County Chapter President, TNPBA

Law enforcement officers make sure their vests are fastened snugly and in good condition, that their radios are in good working order, and they check their uniforms and make sure their weapons are loaded and functioning properly each day before leaving for shift.

Most go over scenarios in their minds, playing out how they'll handle certain scenarios should critical situations present themselves during the shift. The stress sometimes starts before the officer crosses his home's threshold to go to work. Even in what should be the safest of safe places, the home, officers are faced with mounting stress before they even turn on their two-way radios.

"All the officers that I have known love, laugh, cry, hurt and sometimes die too young. All suffer from police stress seen in a variety of emotional disorders and stress-related illnesses," Peter Cove told the Chattanooga Times Free Press during a law enforcement memorial in Chattanooga, Tenn., this year. Cove is a founder of the Tennessee Public Safety Network and currently serves as the organization's CEO. The network assists law enforcement officers by helping them deal with the stresses imposed upon them by their chosen careers. "Their job



Peter Cove, founder of the Tennessee Public Safety Network

is often described as 90 percent boredom and 10 percent sheer terror," he said.

"The debriefings help all officers, because of the peer-driven, confidential response and assistance in helping all law enforcement officers and other public safety personnel deal with the stress inherent to our profession,"

Cove starts indoctrinating officers to the stresses they'll face from the "10 percent sheer terror" early in their training. The Tennessee Law Enforcement Training Academy in Donelson, Tenn., dedicates a week of stress training to officers as they progress through their training in an effort to turn around the negative trends affecting the community including

higher rates of heart disease, shorter life spans, higher rates of divorce- which is almost twice the national average, higher rates of alcohol and other substance abuse, increased sick time utilization, depression, and posttraumatic stress disorder, or PTSD.

Many national police organizations are making efforts to lower the numbers of officers lost in the line of duty,

however, the Tennessee Public Safety Network is trying to make a difference with regards to an even more serious threat to officers' lives that is rarely discussed: law enforcement suicides. According to the organization, three times as many officers are killed by their own hand than are killed in the line of duty.

Statistics don't lie and the numbers are staggering. There were 173 line of duty deaths last year across the country and there were also more than 500 police officers who took their own lives.

After critical incidents, such as shootings, Cove believes that it is imperative that the officers involved participate in a debriefing process.

"It's provided at no cost to the officer or the department," he said.

"The debriefings help all officers, because of the peer-driven, confidential response

and assistance in helping all law enforcement officers and other public safety personnel deal with the stress inherent to our profession,” said Beth Dyke, president of the Tennessee Division of the Southern States PBA. “The Tennessee Public Safety Network is not affiliated with any police department, law enforcement agency, or police organizations, but many have endorsed them. Also many of our members have utilized their services.”

Cove said he believes as many as 30 percent of law enforcement officers currently suffer from diagnosable PTSD. That number shouldn’t come as a surprise, because police officers, deputies, and members of state and federal investigative agencies respond daily to horrific accident and crime scenes. One common misperception held by law enforcement professionals is that by reaching out, others might perceive them as weak. Further, officers sometimes feel that they are the only ones dealing with stress, when in fact, others are coping with the same exact issues. Cove called this phenomena “terminal uniqueness.”

“The Tennessee Public Safety Network was a lifesaver for me,” Dyke said. “One doesn’t even realize all of the ‘stuff’ that has been filed away over one’s career. As an officer you may be involved in shootings, death of officers, line of duty deaths, suicides of officers,

deaths of children, sexual abuse investigations of children and other day to day calls that take a toll on one’s mental health.”

Cove said the stresses of the job, no matter how hard an officer tries to leave them behind when they finish a shift, come home with the officer at the end of the day, affecting marriages and relationships. These stresses on family relationships can be taxed at an even greater level following a critical incident such as a shooting



Peter Cove speaking to the TNPBA division board at the annual division board meeting in May of 2012.

or a fellow officer’s line of duty death.”

However, it doesn’t always take a critical incident or a grotesque crime scene to set an officer over the edge.

“Over my 26 year career, those events are just filed away and dealt with the best one knows. Then there is that ‘one, single event’ that eventually brings you to end regarding your ‘file capacity,’” Dyke said of her need for the services of the Tennessee Public Safety Network.

Cove pointed out law enforce-

ment professionals are not the kind to trust those who haven’t had similar experiences, and they won’t simply open up to a doctor in a debriefing. Even though there is a licensed mental health professional present during the debriefing process, which ensures the session will be held as confidential, the debriefing itself is conducted by officers who have been through similar situations.

Cove, who spoke to the Tennessee Division PBA board at

its annual meeting in Gatlinburg in May, said the confidentiality of Tennessee Public Safety Network debriefings has been confirmed as high as the Supreme Court of the United States.

Dyke said she was honored to have Cove speak to the state board at the meeting and discuss topics that are not often discussed due to their sensitive nature. Cove capti-

vated the board members’ attention and delivered an emotional address, complete with personal references from his own past experiences as a police officer and the ways he coped with stress before finally becoming an advocate for the mental health of his fellow officers.

“I am grateful that the services of the Tennessee Public Safety Network are available, not only for the PBA members in Tennessee, but all law enforcement officers across the state and bordering states,” she said. “It’s just another

tool our officers have in their toolbox.”

Note: The Tennessee Public Safety Network, comprised of 1,500 sworn law enforcement officers/dispatchers/corrections personnel and 50 licensed mental health professionals, has provided approximately 30,000 services to law enforcement officers and families since the year 2000, with over 900 receiving critical incident stress debriefings by Network teams.

The Tennessee Public Safety Network has received awards from: the Tennessee Sheriffs' Association for services provided to law enforcement officers and their families across the state of Tennessee; from Haley Barbour, governor, state of Mississippi for services rendered over a ten-week

period to law enforcement officers and agencies in the aftermath of Hurricane Katrina; received the Champion of Victim Rights Award from: The Trauma, Faith and Resilience Initiative, Center for Just and Caring Communities, Union University, Jackson, Tenn.

Also, during the past 12 years, the Tennessee Public Safety Network has conducted presentations for the following groups: Tennessee Sheriff's Association; Tennessee Association of Chiefs of Police; National Jail Association; Governor's Highway Safety; School Resource Officers; Training Officers Association, Homeland Security; Tennessee Corrections Institute; Tennessee Bureau of Investigation; FBI National Academy Graduates, Tennessee Chapter; West Tennessee Criminal Justice Professionals; National

Sheriffs' Association; Tennessee Highway Patrol; Southeast Law Enforcement Training Academy; Tennessee Department of Corrections, Tennessee Police Benevolent Association; all recruit classes at the Tennessee Law Enforcement Training Academy; and in-service training for numerous departments and agencies across the state.

An important achievement was having the Tennessee Public Safety Network specifically named in the state law regarding privileged information in critical incident stress debriefings.

Although another agency was selected, the Tennessee Public Safety Network was nominated, for the past two years, by the Tennessee Office of Criminal Justice Programs for the National Outstanding Criminal Justice Program Award.

ARPBA MEMBER RECEIVES THE KOOL-AID 2011 ARKANSAS SCHOOL RESOURCE OFFICER OF THE YEAR AWARD



Officer Sterling Penix is pictured with (from left to right): Attorney General Dustin McDaniel, Dr. Cheryl May (Director of the Criminal Justice Institute), and Jon Schwulst (President of the Arkansas Safe Schools Association).

On July 20, 2011, Officer Sterling Penix was presented with the Kool-aid 2011 Arkansas School Resource Officer of the Year Award, in North Little Rock, Ark. The Arkansas Safe School Association named Officer Sterling Penix of Clarksville Public Schools after he was chosen from a field of nominees by the association and was nominated by the police and school leadership.

Officer Sterling Penix joined the PBA shortly after its arrival in Arkansas. Since Officer Penix became a member of the PBA, he has served in a number of roles. Currently, he is serving as the senior vice president for the River Valley Chapter.

PBA BRINGS FLSA LAWSUITS AGAINST JACKSON, MS

*By Jeffrey Reynolds
PBA Attorney, Jackson, MS*

The city of Jackson, Miss. employs approximately 500 police officers on its police force. In late 2010, three of these officers, all within JPD's traffic unit, called the PBA because they believed that JPD was not following the federal wage and hour laws and that they were not being paid properly for all the hours they were working. After hearing these officers' claims, the PBA referred them to Jeff Reynolds of the Jeffery P. Reynolds, P.A. law firm. Little did anyone know that these three officers' claims were just the tip of the iceberg, and that a year and a half later it would be discovered that over half of the JPD force would be affected by JPD's federal employment law violations.

The FLSA

The federal Fair Labor Standards Act, or the "FLSA," is a law which provides work-place protections for employees and governs how employers must pay their employees; this law applies to cities and local governments, as well as private employers. Most notably, the FLSA mandates that employees who work over a specified number of hours each pay period must be paid at an increased rate of pay. Typically, whenever an employee works over 40 hours per week, that employee



must be paid at a rate of "time and a half" for all hours worked over 40. For police officers, however, the FLSA provides an exception in that, if the employer so chooses, it can pay its officers based on a 28-day pay period where any hours worked over 172 during this 28-day period constitute overtime hours and must, therefore, be paid at the "time and a half" rate. For police forces choosing to pay based on a 14-day pay period, any hours worked over 86 during this 14-day period constitute overtime.

Another exception to the payment of monetary wages at the "time and half" rate for overtime hours worked is the use of compensatory time, or comp time. Comp time can be used

as compensation for overtime hours worked as follows: in lieu of monetary payment, employers can credit their employees with comp time at a rate of one and a half hours accrued for each overtime hour worked. This comp time builds up on behalf of the employees, and the employees may use this built up comp time in the future to take paid time off; any unused comp time when the employee leaves his or her employment must then be paid in cash at the employee's current rate. This system of comp time can only be used, however, if

employers and employees agree before the work is performed that comp time will be used in lieu of payment.

The Initial FLSA Lawsuit

The three initial JPD officers had two sets of complaints: first, in at least two different scenarios, JPD was not paying overtime properly, and second, JPD was not issuing comp time at a rate of one and a half hours earned for each hour worked. These three officers claimed that JPD was using what it called "special pay" to require the officers to work overtime hours for special events but only get paid a flat "special pay" rate. This "special pay" rate was a lower rate than what the officers should have

made at these events at their “time and a half” overtime rates. Also, the JPD was forcing officers to work security at a local college’s home football games, but was forcing the officers to sign a sheet stating they were “independent contractors” and, again, only paid them at a flat hourly rate instead of the required “time and a half” rate for overtime hours worked. Finally, at times the officers were being forced to accept comp time, and when this happened, the officers would only be credited one hour of comp time for each overtime hour worked. The JPD was simply not paying its officers as it was obligated to do so under the law.

The PBA

authorized Jeffery P. Reynolds, P.A. to file suit on behalf of these three officers in federal court in the Southern District of Mississippi. Soon thereafter a fourth JPD officer – who was previously an instructor at the JPD’s police academy – called the PBA with similar complaints regarding the non-payment of overtime, except that this officer actually tried to work with the JPD by formally reporting his grievances to his superiors regarding the overtime he wasn’t being paid for and, the day after doing so, was retaliated against by being issued an involuntary transfer. This fourth officer was added to this first lawsuit which was already filed.

Initially upon being sued, the

city of Jackson and JPD staunchly denied these four officers’ claims and refused to engage in any settlement negotiations. After the officers won on some early motions regarding investigation issues in this lawsuit, the city became more receptive to the idea of settling the officers’ claims and agreed to engage in meaningful



settlement discussion. As part of the case, the PBA hired an expert accountant to review the officers’ payroll records going back three years and determined that each officer was indeed entitled to money for overtime hours they had already worked but which had not been paid properly by the JPD. Settlement negotiations went on for months beginning in the fall of 2011.

The DOL Investigation Begins

While settlement negotiations were ongoing in this first lawsuit, two more JPD officers contacted the PBA with similar complaints about JPD refusing to correctly pay them for their overtime hours they were required to work. After

discussing their claims with the Jeff Reynolds law firm, these two officers filed a complaint with the local division of the Department of Labor, which then opened an investigation into JPD’s payment practices. An attorney for Jeffery P. Reynolds, P.A. remained in contact with the DOL investigator in charge of this matter throughout

the actual investigation. From early on in the investigation, it was clear that the JPD had violated the FLSA in many ways throughout the entire department. This information played a vital role in the settlement negotiations for the first four officers’ lawsuit.

As the DOL investigation

into the JPD’s payment practices was reaching its conclusion, a settlement was reached in the first lawsuit. The specific terms of this settlement are confidential.

The New FLSA Lawsuit

In April of 2012, the DOL investigation drew to a close. As a result of its investigation, the DOL determined that approximately 255 JPD officers, over half of the JPD police force, had not been compensated properly and were owed back wages for hours that had already been worked. As part of administrative settlements after a DOL investigation, an employer may attempt to settle with each affected employee by paying them the money that the DOL has

determined they are owed over the two years preceding the initial filing of the DOL complaint. (The employer also must promise to maintain its records correctly going forward, to follow the FLSA going forward, and may be assessed civil penalties.)

The employee is free to accept or reject whatever the offer made by his or her employer is and, in the case of rejecting the offer, may exercise his or her own individual right of action and sue for the money he or she is entitled to, along with an additional equal amount in liquidated damages, costs and fees. The employee may dispute the amount the DOL determined and may also seek reimbursement for unpaid wages going back farther than the two years the DOL accounted for as the DOL provides for a three year window of recovery if the employer's violations are deemed willful. However, when the employer is a city or local

government, the DOL allows it to offer its employees comp time instead of monetary reimbursements. This is what JPD chose to do. The problem is that (a) the JPD officers had never agreed to accept comp time before they worked the many hours over the past few years which they were not correctly paid for and (b) most of the officers did not trust the JPD to correctly administer the use of these comp time hours that were being offered as settlement. Once this offer was made

by the JPD to the 255 affected officers, calls began to flood into the PBA from unhappy officers with many concerns. One concern was that the JPD was insinuating, sometimes directly, that the officers had no choice in the



matter and had to accept the comp time settlement and sign a waiver releasing the JPD from any and all claims. These concerned PBA members were again directed to Jeffery P. Reynolds, P.A.

The fact of the matter is that each affected JPD officer had a choice to make: they could either accept the city of Jackson's offer and be reimbursed with comp time or they could file a lawsuit – a right given to them under the FLSA – and seek to be paid the money they were owed, plus

other damages. After being fully informed of their rights, 41 JPD officers opted to pursue a lawsuit and enforce their own private right of action.

The PBA authorized and is funding the lawsuit on behalf of these officers. It cannot credibly be disputed that these officers are owed this money as the DOL has already so found after its thorough investigation for a two year period, and the main issue involved is whether or not the JPD can force them to accept comp time instead of the money they are rightfully owed. The officers are also seeking unpaid overtime wages for the three year period of time before the suit was filed and are claiming the JPD's FLSA violations were obviously willful as most of the police force incurred damages as a result of the JPD's violations. This lawsuit is in its infancy and is currently pending in

the federal District Court of the Southern District of Mississippi, Jackson Division.

The PBA takes very seriously those instances where employers are not paying their officers in compliance with the law. The city of Jackson has been one of the most serious and significant violators of federal wage law that has been brought to the attention of the PBA. The PBA continues to support its members as they fight for the compensation they have earned.

THE ALABAMA STATE LAW ENFORCEMENT CHAPTER HAS BEEN BUSY OVER THE PAST COUPLE OF YEARS

*By Jon Riley Chapter President
Alabama State Law Enforcement Chapter, ALPBA*



*Alabama State Law Enforcement
Chapter President Jon Riley*

On December 2nd, 2011, the Alabama State Law Enforcement Chapter was proud to host a one day training event in Dothan, Ala. Several law enforcement agencies from central and south Alabama were represented. Typically, as December rolls around, many officers find themselves without the required number of training hours. The Alabama PBA, knowing that department training budgets are stretched thin, was proud to host this class. The topic for the day was "Officer Safety and Awareness." This topic was selected due to the increased number of law enforcement assaults, injuries, and fatalities over the past year. As such, we remind everyone to be safe and watch your six. As we were reminded by one of our instructors, there is nothing wrong with taking care of your brother officer and watching his six as well.

The PBA owes a big "Thank You" to Lt. Scott Heath (Dothan Police Dept.), Sergeant Jake Heath (Ozark Police Retired), and Captain Bobby Blankenship (Ozark Police Dept.) for teaching the class. These experienced law enforcement professionals brought relevant and current information on the topic of law enforcement safety to the forefront of the class. Several in attendance were very complimentary of the training. I would also like to thank State Law Enforcement Chapter board members Gary Cooper, Chris Grantham, and Jim Carney for working so hard to make this class a success.

I would like to point out to chapter officers and board members that this type of activity is an excellent way to put the PBA brand out in a positive light to multiple law enforcement officers and agencies. Of the fifty-four officers that attended, many were already PBA members. Five new members signed up the day of training, and a couple of others expressed an interest in joining via the internet. We were pleasantly surprised when a local television station offered to cover the event. It was also a great time to interact with old friends as well as make new ones.

In other news from the State Law Enforcement Chapter, we saw late 2010 as a time for political screenings of several local and state elections. Being a statewide chapter, we were asked to assist

local chapters with their political screenings. This was especially crucial to our interests where state legislators were up for election and being screened. Several chapters across the state held screenings and did a great job of putting them together. I must say, I learned so much from these events. I hope to participate in political screenings in the future and know I will approach the screenings as well as the politicians in a different, perhaps less trusting way. Several legislative candidates who were screened and many whom the PBA endorsed made significant commitments to law enforcement when they were looking for the PBA endorsement and our votes. What I heard in those screenings and what has come to fruition are many, many miles apart. One of our key endorsements was Governor Robert Bentley. His record thus far has proven he is anything but a friend to state law enforcement officers. I welcome him to "be the friend to law enforcement" and "take care of the police" as he stated he would during his political screening. Maybe a good starting point for Governor Bentley would be to stop targeting the Alabama Retirement System. I could name several other legislators who made commitments to law enforcement during political screenings and have yet to follow through, but that would take a really long time. As a whole, I must say this new Republican majority has

been anything but nice to state employees. While I am no huge fan of the Democrat Party, I must admit they do not constantly try to reduce salary and benefits. We all know with this economy it may not be the time to ask for raises and new cars. It also isn't the time for the Alabama Legislature to balance the state's budget on the backs of law enforcement officers,

corrections officers, and other state employees. One of the most important things you can do as a law enforcement officer is contact your local city councilman, county commissioner, or state legislator. Your voice can't make a difference if it is never heard!

Finally, I would like to say a personal word of thanks to all of the hard working men and women

who wear the uniform with honor and work so hard to protect our communities and highways. Our families also deserve a word of thanks for the "time away from family" sacrifice that almost all of them have to make at one point in our career. May God bless and keep each and every one.

PBA HELPS ALABAMA MEMBER WITHSTAND RETALIATION

By Joni J. Fletcher

Director of Legal Services, SSPBA

PBA member Captain Charles G. Kennedy was elected to the City of Prichard (Ala.) Municipal Pension Fund Board in 2009 to represent the members of the police department. Shortly thereafter, the City of Prichard sought bankruptcy protection. The pension board successfully intervened to have the city's bankruptcy case dismissed. The next effort by the city on the pension issue was a plan to replace the pension fund with a 457 plan. Again, Captain Kennedy was part of the opposition to this effort, and again, the opposition was successful.

In January 2012, Captain Kennedy was notified that there was to be a hearing to determine if Kennedy was fit for duty as a police officer. Another lieutenant with the department who had also objected to the efforts to modify the pension fund was notified that he was to have the same type of hearing. The city submitted that both officers were "mentally or physically unfit to serve as police officers." Captain Kennedy had previously had a heart attack and open heart surgery in 2007. In March 2008, he had a pacemaker

and a defibrillator implanted. Since that time, Captain Kennedy had not taken a vacation day and had taken only four sick days off. The hearing panel decided that Kennedy would be demoted from captain to dispatcher and would have his salary cut in half.

Captain Kennedy explains what happened from there:

I notified the PBA about my situation. That day, I was contacted by Mr. Joe C. "Buzz" Jordan, a local attorney, that he was to represent me in this matter. Mr. Jordan is an excellent attorney, and my fears were abated knowing I would be well represented. On March 20th, the Personnel Board of Mobile County held my hearing. Mr. Jordan did an outstanding job presenting my case, and the mayor and police chief had to admit that I did exceptional work, was never late and had been awarded medals and certificates for my job performance. In short, we won.

I do not know what I

would have done had it not been for the support of the PBA. I was represented by an excellent attorney who defended the right of an employee to be free from retaliation for doing his duty representing fellow employees' best interest against tyranny.

I hope my experience will encourage other officers to join the PBA. The PBA has the interest of the police at heart and will put its money where it counts when injustice is leveled at an officer. I will never be able to thank the Southern States PBA enough for their help in such a time.

The personnel board ruled in favor of Captain Kennedy, reinstating him to his previous rank and pay and ordering that he receive back pay.

Captain Kennedy and his fellow officers and retirement board members continue to support their pension plan. The PBA stands ready to help as needed.

LONGTIME PBA ATTORNEY RANDY GLADDEN PASSES AWAY

*By Joni J. Fletcher
Director of Legal Services, SSPBA*

In February 2012, the PBA was saddened to learn that we had lost Huntsville, Ala. attorney Randy Gladden, a true friend of law enforcement officers. His support of the PBA will be truly missed.

Randy began accepting PBA cases in 1991. Over the years, he handled PBA cases of all types, from disciplinary and grievance issues to lawsuits and on-duty shootings. Randy was always eager to accept PBA cases, and his efforts on behalf of members were almost always successful. However, Randy went beyond what was required of him as an attorney; he truly cared about his clients and did his best to make things better for them.

Belinda Gladden was Randy's wife and paralegal for 30 years. "At Randy's funeral service, several officers around retirement age made a point of telling me that, if not for Randy, they wouldn't have had a law enforcement career," Belinda said. "He loved his work and cared about the people he represented."

PBA member Lanny Perry was first represented by Randy Gladden in 2002. As Randy helped him through a variety of issues, Lanny grew to respect Randy and consider him a friend. They became so close that Belinda asked Lanny to be a pallbearer at Randy's funeral.

Randy's service to the legal and law enforcement communities



Randy Gladden, a true friend of law enforcement officers

was recognized by the Alabama legislature in HR 169, which was signed by the governor in March. The resolution reads as follows:

***"He loved his work
and cared about
the people he
represented."***

HR169

MOURNING THE DEATH OF MR. RANDALL O. GLADDEN. WHEREAS, with profound sorrow and regret, we receive news of the death of Mr. Randall O. "Randy"

Gladden of Huntsville, Alabama, on February 9, 2012, at the age of 61 years; and

WHEREAS, the passing of Mr. Gladden leaves a void in the lives of his loving family and is a loss to the entire community, where he was well-known and highly regarded as an attorney and civic leader; and

WHEREAS, born on April 17, 1950, he was a graduate of Cumberland School of Law at Samford University and practiced law as a solo practitioner in Huntsville for more than 30 years; and

WHEREAS, he was a member of the Huntsville-Madison County Bar Association, the American Bar Association, the Alabama State Bar, the Alabama Criminal Defense Lawyers Association, and the Association of Trial Lawyers of America; he was a Proctor in Admiralty; he was admitted to practice in the Supreme Court of Alabama, the United States Court of Appeals for the 5th Circuit, and the United States District Court for the Northern District of Alabama; and

WHEREAS, among his well-deserved recognitions through the years, he received a Certificate of Appreciation from the Madison Police Department for his Faithful

Friendship and Dedication to the Law Enforcement Community; he served as the attorney for the Southern States Police Benevolent Association; and

WHEREAS, he will be remembered as a devoted family man and outstanding lawyer who was a gentleman outside the courtroom and a fighter inside, where he advocated vigorously for his clients and was always well-prepared; his outstanding legal mind and stalwart dedication resulted in many courtroom successes; and WHEREAS, survivors include

his wife, Belinda V. Gladden; son, Jason C. (Tonya) Gladden; daughter, Jennifer L. Gladden; sister, Donna (Val) Newton; in-laws, Fred N. and Mary Van Beason; brother-in-law, Brent (Nancy) Beason; nephew, Kyle R. Beason; and other family members; and

WHEREAS, Mr. Gladden was a valued member of the community; although his presence will be greatly missed, his legacy will be cherished in the hearts and minds of those who were fortunate to know him; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the death of Mr. Randall O. Gladden is recorded with deep sadness, and this resolution is offered in tribute to his life, along with heartfelt sympathy to his grieving family.

The PBA extends condolences to Randy Gladden's family and expresses our sincere appreciation for the dedicated service that he and Belinda provided to PBA members for many years.

ANOTHER LEGAL VICTORY FOR THE PBA

*By Charlie Cordell
Staff Attorney, SSPBA*

On September 9, 2009, Officer Robert Calby, employee of the Columbia Police Department and the current president for the Columbia Chapter, responded to a call of a suspicious person threatening others with a knife. When the subject saw Officer Calby, he started to walk away with his hand inside his jacket. When Officer Calby ordered the subject to show his hands and to get on the ground, the subject produced a silver knife and lunged at the officers on scene. Officer Calby immediately deployed OC spray in an attempt to incapacitate the subject, which was not effective. When the subject lunged at Officer Calby a second time, Officer Calby discharged his duty weapon, striking the suspect.

Officer Calby contacted the PBA, and attorney Ward

Bradley was assigned to represent him. Mr. Bradley responded to the scene and assisted Officer Calby with his statement to Internal Affairs, which was required to be submitted that day. Mr. Bradley also represented Officer Calby during the SLED investigation. Officer Calby was eventually cleared of any wrongdoing and reinstated to full duty. "It was reassuring to know that the PBA was on my side during this incident," said Officer Calby.

As a result of Mr. Bradley's efforts in this case, the city of Columbia revised its internal affairs investigation procedure to allow an officer more time following a



Columbia Chapter (SCPBA) member Officer Robert Calby

critical incident before making an internal affairs report. This change in policy is beneficial to all officers of the Columbia PD.

SERGEANT CHARLES JONES V. N.C. HIGHWAY PATROL: A LESSON IN GOVERNMENTAL OBSTRUCTION OF JUSTICE

*By J. Michael McGuinness
PBA Attorney*

As a result of the efforts of the PBA and attorneys Jack O'Hale and J. Michael McGuinness, Sergeant Charles Jones—a victim of a wrongful termination by the North Carolina Highway Patrol—has been vindicated, reinstated, and will be awarded his back pay, lost benefits and counsel fees through our system of justice.

In 2007, the North Carolina Highway Patrol and the executive branch of North Carolina government began and carried out one of the greatest scenarios of obstruction of justice in recent North Carolina history perpetrated against a North Carolina law enforcement officer.

Sergeant Charles Jones was targeted for termination in a scheme where Patrol management, former Crime Control Secretary Bryan Beatty, former Governor Michael Easley and some of their political operatives succumbed to the political whims of the former governor to fire Sergeant Jones for overt political and retaliatory reasons. Sergeant Jones' termination was a miscarriage of justice.

After five years in administrative litigation, Sergeant Jones is back at work with the Patrol as a result of multiple court orders unanimously finding unlawful actions by the Patrol. This result comes after years of PBA

advocacy and Sergeant Jones' willpower to fight the corruption attacking him.

Introduction and summary

The following is a summarized outline of the key facts that gave rise to the need for the Patrol to be brought to justice in its efforts to destroy Sergeant Jones. On August 30, 2007, Sergeant Jones was served with a complaint alleging a less-serious personal conduct violation. Sergeant Jones was

that day, that Sergeant Jones was to be placed on "investigatory placement." Later that same day, Captain Briggs was told that his investigation must be completed that day.

It was stipulated in the litigation that on or about August 31, 2007, former Governor Michael Easley decided that Sergeant Jones "should be dismissed from the Highway Patrol." North Carolina's governor does not have any legal authority or jurisdiction

to order the termination of a trooper. However, Patrol officials eagerly worked to carry out an illegal order despite Patrol policy, the law and their oaths of office to the contrary.

On September 5, 2007, Sergeant Jones was informed that his pre-dismissal conference was scheduled for Friday, September

7, 2007. Later, this conference was postponed until Saturday, September 8, 2007 at 10:00 a.m. On Saturday, September 8, 2007, at 9:58 a.m., Lt. Clendenin emailed all Patrol personnel and forwarded them a copy of a Raleigh News & Observer article announcing that Sergeant Jones had already been fired, notwithstanding the fact that the pre-dismissal conference had yet to occur. Secretary Beatty indicated that "they wanted him gone by the end of the business day or wanted him gone by the end of the day."



accused of not properly treating his Patrol canine, Ricoh, in training. Sergeant Jones' conduct was consistent with his training, and other Patrol canine handlers acknowledged using more aggressive behavioral training.

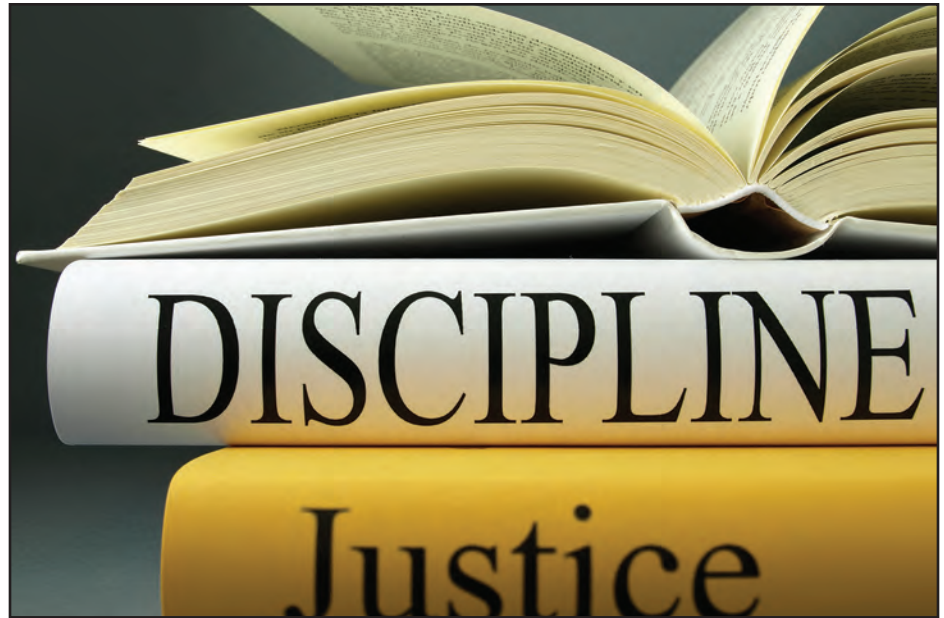
The officer assigned to investigate the complaint, Captain Briggs, was informed that he had until October 1, 2007, to complete his investigation. On August 31, 2007, Captain Briggs received a telephone call from Major Jamie Hatcher, instructing Captain Briggs that no later than 2:00 p.m.

Colonel Clay recused himself from the case and made Lt. Colonel Lockley his designee. Lt. Colonel Lockley terminated Sergeant Jones' employment. Lt. Colonel Lockley later testified as follows and provided a statement which he read from at trial:

"If the Governor's Press Office had not intervened in this matter, and let the case run its course, I would not have come to the same conclusion as I did on September 9, 2007. It was clear to me that the outcome of Sgt. Jones' case should be his termination from the Highway Patrol. I arrived at this conclusion from my discussion with Lt. Clendenin after he had been in some discussion with the Governor's press office. 'They want him gone' were Lt. Clendenin's words. He mentioned that someone in that discussion suggested that Sgt. Jones should consider resigning.

So the decision regarding Sergeant Jones' career was pre-determined, not by the Patrol's disciplinary process but by an outside entity whose purpose was not the fair and equitable treatment of Sgt. Jones. I reviewed Sgt. Jones' statements and comments after his pre-dismissal conference. I gave no consideration to any of his claims or contentions because the ultimate outcome of this case had been pre-determined. I did not follow up!

As far as the decision in this case to terminate Sgt. Jones, I did the wrong thing for the right reason (protecting the agency's image). This is the only case that has caused me any uncertainty and because of this matter, my personal integrity has been compromised. I have felt this way



since September 9, 2007, since I signed the document terminating Sgt. Jones. This is totally unacceptable to me.

The right thing to do is make a decision based on no interference from the Governor's Press Office, no intense media scrutiny, no rush to judgment, and no public outcry. In my opinion, the outcome would be different because Sgt. Jones acted in the manner he was trained, even though it was an ugly manner.

I hope that all the evidence will be reviewed without bias and the factors mentioned above. All the red flags are here to signal a great injustice has been done to Sgt. Jones. We have an opportunity to get it right without more embarrassment and without damaging the agency's image. I hope we take advantage of it."

Because of media coverage surrounding unrelated dog abuse scandals and alleged misconduct by troopers, the Patrol politicized the investigative and personnel process as applied to Sergeant Jones. Both political and public relations considerations trumped

established Highway Patrol policy and procedure and other rights of Sergeant Jones in an effort to quickly terminate Sergeant Jones.

After his termination, Sergeant Jones appealed to the Employee Advisory Committee. The committee unanimously recommended to Beatty that Sergeant Jones be reinstated.

On November 14, 2007, Beatty arbitrarily rejected the recommendation of the Employee Advisory Committee and upheld the firing. Beatty failed to recuse himself from hearing Sergeant Jones' internal appeal, despite his full knowledge that he had been subjected to ex parte communications by the governor's agents. Beatty was under a duty of impartiality, but his judgment had already been tainted and corrupted by prejudgment and political pressures.

Everyone Ruled for Sergeant Jones

The Patrol sought to prove just cause for Sergeant Jones' termination. Senior Judge Fred Morrison heard all of the evidence and flatly

rejected the Patrol's position and arguments. All other reviewing tribunals and judges agreed.

The case was next heard by the State Personnel Commission. The Patrol lost again.

Despite the growing taxpayer investment in the case by the Patrol, the Patrol launched another round by filing a petition for judicial review in the Wake Superior Court. More frivolous arguments were made there. Judge James Hardin rejected the Patrol's positions and arguments and ruled for Sergeant Jones.

The Patrol continued its game by trying to "appeal" Sergeant Jones to death. Endless appeals have been an express part of the Patrol's personnel strategy in recent years. Many troopers cannot afford to fight the Patrol's endless appeals. The PBA saw the tremendous merit to the case

and decided to fight the case to the very end.

The Patrol appealed to the North Carolina Court of Appeals. At oral argument of the appeal, the Patrol was scolded in open court. Many of the Patrol's legal arguments were patently frivolous. The Court of Appeals also rejected the continuing nonsense by the Patrol. The Court of Appeals unanimously ruled in Sergeant Jones' favor.

The civil lawsuit against Easley, Clendenin, Hatcher, Castelloe and the Patrol will go forward next.

Conclusion: What should we all learn from this Patrol debacle?

If the PBA's requests for reform of the Patrol over the last ten years had been implemented, Sergeant Charles Jones and many other fine troopers would have never been injured with unlawful discipline.

Fundamental reform of the Patrol is now more critically necessary than ever before. While justice has been done for Sergeant Jones, unless the Patrol is properly reformed in material ways, other troopers will fall prey to the same kinds of management malfeasance and corruption.

Until the Patrol decides to respect and obey the law, there will be more victims like Sergeant Charles Jones. The taxpayers will continue to pay the bills. In the meantime, we must all work politically and administratively to reform the Patrol before it has to be disbanded due to the years of egregious incompetence and malfeasance.

The next governor will have an opportunity for a new team with a new vision. Another opportunity for reform will begin in January 2013. If the Patrol is to survive at all, fundamental reform is crucial.

PBA CHALLENGES ANTI-POLICE ACTIONS BY THE CITY OF FAYETTEVILLE, NC

*By J. Michael McGuinness
PBA Attorney*

The North Carolina Police Benevolent Association has been active in Fayetteville since the late 1980s and has worked on many different issues to improve law enforcement in Fayetteville. The PBA also worked with police and city officials for many years to promote the Fayetteville Police Department.

The Fayetteville Police Department is an accredited, professional and highly respected major law enforcement agency. The Fayetteville Police Department is confronted with serious crime problems on a daily basis.

Recently, the city of Fayetteville has waged an unlawful and

dangerous attack on the men and women who serve as members of the Fayetteville Police Department. This attack began with negotiations and developments during the last election campaign. This attack was made official on January 23, 2012, when the city enacted a moratorium preventing police consent searches.

The mayor and city council have more than a legal duty to protect citizens; the mayor and council have both moral and ethical duties to act responsibly to protect both citizens and police officers from the dangers of serious crime in Fayetteville.

Through a series of efforts,

similar to what the PBA has done throughout North Carolina, the PBA has attempted to appear before and meet and confer with the current Fayetteville mayor and city council. Our efforts have been rebuffed.

Under the leadership of Mayor Anthony Chavonne, the city of Fayetteville has recently advocated and implemented one of the most anti-police campaigns by any municipal government in the history of North Carolina. Recent actions by the Fayetteville City Council have brought the city into the public limelight throughout the state, region and beyond. These actions by the city of Fayetteville



directly interfering with and obstructing police operations are unprecedented in North Carolina and nationally.

The first incident was known as “Ticketgate” and involved direct obstruction of the prosecution of a traffic citation issued to a friend of the mayor. The second was the official Moorish Nation Proclamation, where Mayor Chavonne issued an official honor for an overtly hostile anti-police group. Third, Fayetteville enacted an unlawful moratorium preventing officers from using consent searches. In regard to the consent search moratorium, PBA was compelled to take action.

The PBA filed suit to enjoin the moratorium. The Superior Court issued two separate orders including an injunction. The consent search moratorium has been prompted by political pressures on the city council from a handful of activists alleging that Fayetteville police officers were guilty of racial profiling African Americans.

There was no significant evidence of any racial profiling by the Fayetteville Police Department (FPD). The FPD has never been subjected to a judgment, finding,

verdict or decision in a civil case that there was any racial profiling in policing. In fact, there has not even been a racial profiling suit filed against the FPD.

The FPD had recently undergone reaccreditation by CALEA, where the FPD satisfied all components for reaccreditation. Following political pressure from a handful of community activists, the city had communicated to the U.S. Justice Department that an investigation was needed from them regarding the alleged racial profiling. The U.S. Justice Department declined to even investigate, much less file a civil action alleging racial profiling. There was not enough evidence of racial profiling to even warrant an investigation.

Instead of retreating from the political pressures, the city council decided to hire the National Organization of Black Law Enforcement Executives (NOBLE) to investigate this issue. A study was conducted and a report was prepared by NOBLE addressing the racial profiling allegations. NOBLE could not find any objective evidence that racial profiling had occurred, period.

Anti-police antagonists in

Fayetteville trumped up baseless allegations of racial profiling as a basis to attack police consent searches. These efforts shamefully stirred a public controversy with false innuendo. The mayor and seven members of city council thought that their NOBLE study was going to justify their unprecedented anti-police actions in interfering with and obstruction of police operations. It completely failed.

The mayor and seven members of city council played hard ball politics with traditional police procedures, endangering the lives of Fayetteville police officers. Two members of city council, Val Applewhite and Keith Bates, voted against the action banning consent searches.

The Fayetteville mayor and seven members of the city council have directly targeted Fayetteville police officers through this recent series of direct challenges against Fayetteville police interests. These actions demonstrate why the PBA and the law abiding citizens of Fayetteville must remain on duty 24/7 to ensure that police officers are permitted to do their jobs as they serve and protect the Fayetteville community.

MEETING THE CHALLENGES OF FUNDRAISING

By Marlon Trone, PBF Executive Director



Marlon Trone, PBF Executive Director

Since the economic collapse of 2008, charitable contributions to small and medium sized organizations have steadily decreased year over year. However, charitable giving, as a whole, has remained consistent. Now, the two trends seem to be inconsistent and somewhat contradictory comparatively. The greatest gains in 2011 were found in environmental organizations (1.4% rise) and international affairs (4.4% rise) – according to the Giving USA 2012 annual report. The biggest reasons for the stagnation in giving are the slow recovery efforts and uncertainty in political leadership and global economies.

The two years that followed the collapse saw an overall decrease in contributions of more than 13%. This decrease equates to more than \$4 billion in donations – a figure that is quite significant in its effect on small and medium sized charities. Surprisingly, donations to religion and religious organizations (a segment that almost always sustains growth) decreased by almost 5%

(GIVING USA) in 2011. The report cites a sharp decline in the number of Americans who belong to religious institutions – churches, synagogues or mosques,

Overall, donations to foundations dropped more than 9% in 2011, bringing in an estimated \$26 billion last year. This is largely due to the massive decrease in contributions made by affluent individuals. This segment (individual giving) has consistently provided more than 75% of the total annual giving in the United States – more than \$220 billion each year. There has been a noticeable shift in the placement of funds by affluent individuals. They have shifted their funds into “donor advised funds” that allow them to have greater impact and influence over how those funds are disbursed.

Donations by corporations have fallen significantly as well. In 2011, corporations gave more than 3% less donations to charities – still providing about \$14 billion.

For the Police Benevolent Foundation, these shifts are critical in future planning and fundraising efforts. It means that greater emphasis must be placed in specific areas to make the process more efficient. There are a number of areas that might provide relief.

Business Partners – are a sufficient avenue to generate future support. Developing philanthropic relationships with our vendors is a key indicator in our economic success. Simply put – spend money with businesses that support our causes.

Corporate Support – is a major

source of growth in our path forward. Today’s Corporate Social Responsibility (CSR) initiatives create opportunities for strong partnerships between charities and corporations. Corporations are looking for organizations that meet their social perspectives as well.

- A solid sensible fit with corporate goals and objectives.
- A strong representation of the firm’s “brand” or “image.”
- Provide opportunities for staff involvement – good for morale and PR.
- Provide opportunities to network within the community.
- Creating a marriage of similar goals or objectives.
- Creating opportunities for employees to contribute and fundraise

Technology – is the latest trend/tool in charitable giving. Recent advancements have made it possible for charities – small and large – to solicit, market their organizations, and collect contributions from donors at a fraction of the cost associated with traditional fundraising – events and direct solicitation.

Although the current fundraising trend in the United States is somewhat bleak, the Foundation is working steadily to maintain its efforts to build a sustainable charity that supports the needs of law enforcement officers and their family members. It is our hope that our current donors will continue to support our efforts by making annual contributions. In the upcoming years, we hope to realize significant growth and expansion of each of our programs.

OFFICER'S SON MAKES A DIFFERENCE

By Jenna Lynn Causey

Communications and Public Relations Assistant, SSPBA



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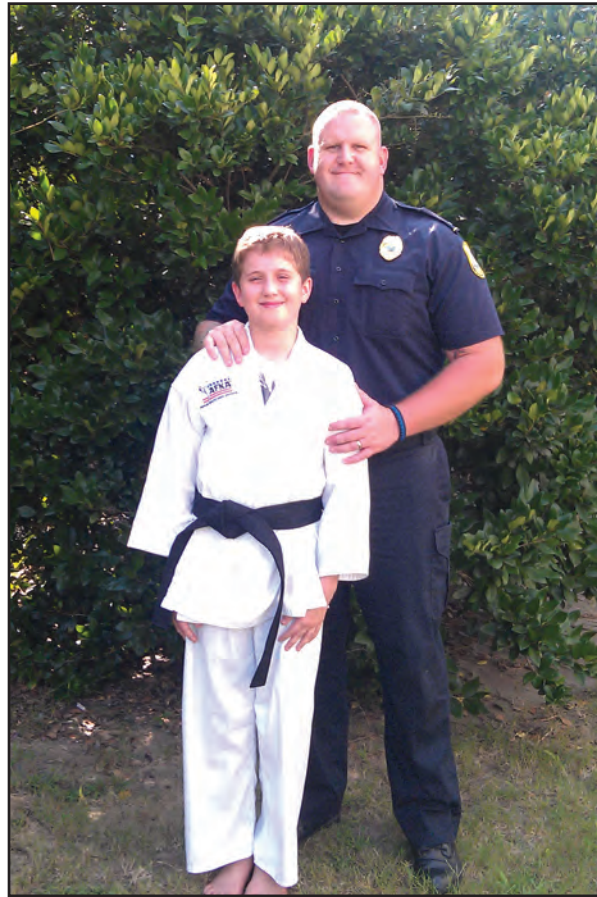


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Do you tweet? Use the hashtag #PBFi and everyone how the Police Benevolent Foundation is helping law enforcement.



Chandler Roberts with his father, Officer Chris Roberts, who is a Columbia County Chapter PBA member with the South Carolina PBA

Chandler Roberts, 13, son of Officer Chris Roberts of the Columbia, S.C. Police Department, wants to make a difference. Chandler earned his black belt in karate on July 20th. He was required to do a community service project in order to acquire his black belt. Chandler chose to raise money for a cause that he believes in, a cause that hits close to home.

"My dad is a police officer, so that was a major factor. I know a lot of officers have been losing their lives lately because I have heard about them on the news. I want to help those families," said Chandler.

His goal is to raise \$1,000 for the Police Benevolent Foundation. So far, Chandler has raised \$300, but he needs your help to meet his goal. You can give to the PBF and help Chandler by visiting www.firstgiving.com and searching for Chandler Roberts' fundraising page for the Police Benevolent Foundation.

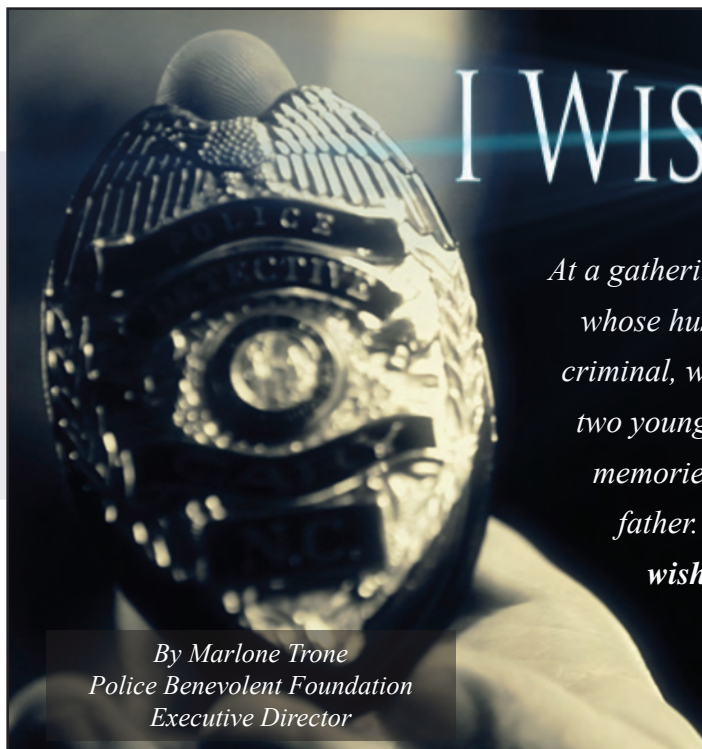
Officer Roberts, Chandler's father, PBA member, has been in law enforcement for 15 years, all of Chandler's life.

"Sometimes I'm scared and worried for my dad's safety because he is on the SWAT team. But sometimes I think

it's really cool because he helps people in their time of need," said Chandler.

I asked Chandler what he wanted to be when he grows up. "I want to do something like my dad. Criminal Investigation for the FBI, that really interests me and I think it would be fun!"

"Sometimes I'm scared and worried for my dad's safety because he is on the SWAT team. But sometimes I think it's really cool because he helps people in their time of need."



I WISH YOU KNEW

At a gathering of police supporters, the widow of a veteran officer, whose husband was killed in the process of detaining a violent criminal, was sharing her story with a small group of people. Her two young daughters were present – all three smiling through the memories and despair over the recent loss of their husband and father. During this brief conversation, the wife remarked, “I wish you knew my husband... he was such a good man.”

By Marlene Trone
Police Benevolent Foundation
Executive Director

These were powerful words that left a lasting impression on everyone within range.

Each year, more than 160 officers are killed in the line of duty, and increasingly, more and more officers suffer life-threatening or career-ending injuries while in the process of performing their sworn duties. These are our local heroes; they are the brave men and women who have chosen to serve their community. They are our friends, our neighbors, and our family members. They made the choice to stand on guard to protect our families, our homes and our businesses. The more than 160 officers who are killed each year are irreplaceable to the families who love them.

The officers who manage to survive attacks by violent criminals – the ones who are not killed – are faced with the daunting task to recover and rebuild their lives. The FBI documents thousands of life threatening injuries to law enforcement officers that include gun shot

wounds, assaults and physical confrontations, traffic accidents and much more. These injuries leave long lasting effects on the officers and their families. The effects are not only physical, but they leave emotional and mental scars as well.



In 2011, the Foundation began a mission to collect data and document the testimonials of family members who have survived devastation – the loss of a loved one. They watched their spouse prepare for work, not

realizing that their departure from home would be the last time. The video series, *I Wish You Knew* features a variety of survivors who not only suffered through losses of family members, but the campaign focuses on law enforcement officers who have suffered life-threatening injuries that resulted from vicious attacks during the apprehension of suspects. These officers recount the moments that led up to their injuries in vivid details. They also share their thoughts on the impact that the Foundation's involvement made on their journey to recovery.

The *I Wish You Knew* campaign's website was launched in 2012, and it has been receiving lots of positive feedback. The site is a compilation of surviving officers, family members and PTSD testimonials.

THE STORIES

**Mark Ayers***Olive Branch Police Department, Mississippi*

Mark is a long time veteran of law enforcement with more than a decade of experience. He is a military veteran who was born with a heart to serve his community and country. Mark was shot during a routine traffic stop that left him paralyzed after months of recovery.

**DeWayne Crenshaw***Tippah County Sheriff's Office, Mississippi*

DeWayne was a former paratrooper and served as a law enforcement officer in Mississippi and graduated at the top of his recruiting class. He was killed in the line of duty, leaving behind a wife of 27 years and two adult children.

**John Taylor***Roanoke Rapids Police Department, North Carolina*

John, a 10-year veteran officer, was critically injured during what he believed to be a routine traffic stop. The stop turned serious when he attempted to write a ticket for a traffic violation; he was shot 4 times.

**Peter Faatz***Atlanta Police Department, Georgia*

Peter was a graduate of Purdue University with a degree in anthropology. He was a military veteran with a close family and was accidentally killed while responding to a traffic incident.

**Sgt. Mickey Hutchens***Winston-Salem Police Department, North Carolina*

Mickey had more than 20 years of experience as a law enforcement officer. He had a wife and two beautiful daughters. He was killed in the line of duty after responding to a burglary in process call. He was only months away from retirement.

**Jonathan Schmidt***Trumann Police Department, Arkansas*

Jonathan Schmidt left a good paying, safe job to work as a police officer and serve his community. While making a traffic stop, he was shot and killed when he pushed his partner out of the way of the on coming bullet.

**Bruce Schultz***Federal Bureau of Investigation, Washington DC*

Bruce was a dedicated family man and a servant to his country. He and his wife Donna were living in an undercover house when Bruce began to feel the pressures of the job coming down on him. Bruce Schultz took his own life in an effort to end the pain that he had been dealing with from the stressors of the job.

SOBERING STATISTICS : KILLED IN THE LINE OF DUTY

Victim Profile

The average age of the officers who were feloniously killed was 38 years.

The slain officers' average length of law enforcement service was 10 years.

Of the 56 officers slain, 54 were male, and 2 were female.

By race, 48 of the victim officers were white, 7 were black, and 1 was Asian/Pacific Islander.

Circumstances

15 officers were killed in ambush situations.

14 officers died as a result of felonious attacks during arrest situations.

8 officers were slain while investigating suspicious persons/circumstances.

7 officers were killed during traffic pursuits/stops.

6 officers were murdered answering disturbance calls.

3 officers were slain during tactical situations (barricaded offender, hostage taking, high-risk entry, etc.).

2 officers were killed while conducting investigative activity (surveillance, search, interview, etc.).

1 officer was killed while transporting or maintaining custody of a prisoner.

Assignments

42 officers who were slain were on assigned vehicle patrol.

8 officers were assigned to other duties, such as special assignments or undercover, when they were murdered.

5 of the slain officers were off duty but acting in an official capacity.

32 on-duty officers slain were assisted at the time of the attacks.

19 on-duty officers were alone and unassisted at the time of the incidents.

Weapons

Of officers killed, most (55) were killed with firearms. Of these, 38 were killed with handguns.

7 officers were killed with their own weapons.

7 officers attempted to use their weapons; 16 officers fired their weapons.

21 officers were slain with firearms when they were 0-5 feet from the offenders.

Regional and outlying area breakdowns

Of the 56 officers who died as a result of felonious attacks:

22 officers were employed in the South.

18 officers were employed in the West.

10 officers were employed in the Midwest.

3 officers were employed in the Northeast.

3 officers were employed in Puerto Rico.

Profile of alleged known assailants

69 alleged offenders were identified in connection with the 56 law enforcement officers feloniously killed. Of those offenders, the following characteristics are known:

The average age of the alleged offenders was 31 years old.

The average height was 5 feet 10 inches tall, and the average weight was 178 pounds.

67 of the alleged offenders were male; 2 were female.

25 of the alleged offenders were white, and 35 were black.

Most (57) of the alleged offenders had prior criminal arrests.

19 of the alleged offenders were under judicial supervision at the time of the incidents.

10 of the alleged offenders were under the influence of a controlled substance at the time of the fatal incidents.

7 of the alleged offenders were under the influence of alcohol or were intoxicated at the time

**data retrieved from website of the FBI on Thursday, July 19, 2012 for the year 2010 (most recent data available)*

THE POLICE BENEVOLENT FOUNDATION'S 2ND ANNUAL RACE FOR THE FALLEN HALF MARATHON

By Jenna Lynn Causey
Communications and Public Relations Assistant, SSPBA



The 2nd Annual Race for the Fallen Half Marathon to benefit the Police Benevolent Foundation will be held on Saturday, September 15th, 2012, at Red Top Mountain State Park. The Race for the Fallen Half Marathon was created to honor the brave men and women who risk their lives every day to protect our families, and it is a tribute to the officers who gave their lives to protect our community. The Police Benevolent Foundation, Inc. exists to help the law enforcement officers and their families restore normalcy after a tragedy.

Officer Dean Ray heard about the Race for the Fallen on Facebook, and this will be his first half marathon at 37 years old. He has been a police officer for 16 years with the Knoxville,

Tennessee Police Department.

"It's a good thing to do in memory of all of the fallen officers. I feel a sense of duty to run for those families that have lost," Ray said.

"I have lost a number of good friends in the line of duty. I am doing this in memory of those officers."

Sadly, each year more than 140 officers leave for work and do not return home to the families who love and support them. The reasons vary – they may be involved in an auto accident; they may be killed in an incident with a

criminal; they may have performed a routine traffic stop to ticket a speeder or responded to a domestic dispute that took a deadly turn. Regardless of the reason, the harsh reality is that the men and women of our local police departments who have chosen to accept the honor of protecting our communities often face deadly consequences that leave their families in dire straits. When we lose a member of the police force, we lose an experienced, trained hero who gave his or her life to protect the community. When we lose an officer – a family loses a husband, a wife, a sister or brother... a child loses a father or a mother.

Donald Langdon, age 63, is also running in the Race for the Fallen this year. Donald has been a police officer since 1979. He



Donald Langdon, a Middle Georgia Chapter (PBAGA) member will be running in this years race at the age of 63.

retired from the Atlanta Police Department in March 2005 and is currently working for the Wrightsville Police Department. He heard about the race from the PBA's newsletter. Donald has been running since 1973. He has done many half marathons and marathons, as well as longer distances.

"I have lost a number of good friends in the line of duty. I am doing this in memory of those officers. I am running for Officer Greg Davis who was shot in the line of duty and Officer Greg Landis who was hit by a drunk driver on his way to work," said Langdon.

So whether this is your first marathon or your fifteenth, or you are 37 or 63, there are many reasons to run. Officer Dean Ray and Officer Donald Langdon offer advice to those that plan to run the race and those considering running.

"It's not as hard as you think," Ray said. He has been training using a schedule that prepares you

to run your first half marathon.

"Running in this race gives me an opportunity to represent law enforcement officers and show that I'm capable of doing the impossible. Whether you run or walk, do it to the utmost. Push yourself to the limit and you will surprise yourself," said Langdon.

Race for the Fallen Details

Registration Fee: \$65 before September 15th or \$75 on race day.

Runners can register on-site the day of the race at 6:30 a.m. However, the registration fee will be increased the day of the race.

T-Shirts: Event t-shirts are included with registration, and extras will be sold the day of the race. Participants can pick them up during check-in beginning at 6:30 a.m. on race day.

Finisher Medals: Each runner that completes the race will receive a limited edition finisher medal to commemorate their achievement. Medals will be handed out as racers cross the finish line.

Race Information:

The Race for the Fallen will begin at 8:00 a.m.. The starting point will be near the Iron Hill trail. Check-in and late registration will begin at 6:30 a.m. the morning of the race. Parking will be available throughout the park and race vicinity. Additional parking information will be posted at a later date.

Timing System: Runners will be timed using the MYLAPS BibTag disposal chip system.

The race is managed by the Police Benevolent Foundation, Inc. and the PBA of Georgia, Inc.

Awards: First three males overall; First three females overall; First three finishers by age groups (both sexes): 14 & under, 15-19, 20-24, 25-29, 30-34, 35-39, 40-44, 45-49, 50-54, 55-59, 60-64, 65-69, 70-98, and 99 and over. Awards will also be given to the first three law enforcement officers to finish –male and female.

You can register to run the Race for the Fallen by going to www.raceforthefallen.com.

Visit our Facebook:
www.facebook.com/raceforthefallen



Dean Ray, a Knox County Chapter (TNPBA) member with his dog Nitro. The 2012 Race for the Fallen will be Dean's first half marathon.

RACE FOR THE FALLEN HALF MARATHON RED TOP MOUNTAIN

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 - QUILL
- NEW LEVEL TECHNOLOGIES
- SWEET AUBURN BARBECUE

***Thank you to all of our Race for the Fallen Half Marathon Sponsors!
We can not do it without you!***

THE PBF'S 'BEHIND THE BADGE' SEMINARS SAVE LIVES

By Terry Nowell, PBF Grant Writer



When law enforcement officers think of danger, they immediately envision some sinister character that is capable of doing them harm and keeping them from going home. Most officers visualize needing the services of the PBA when they have to deal with that sinister character and have taken law enforcement action that results in a death or serious injury. In those cases, officers need someone to respond to them and be there for them – to have their back.

Sometimes that sinister character preventing you from going home is you. *Behind the Badge* is a service provided

through the Police Benevolent Foundation designed to protect an officer from himself. *Behind the Badge* is a seminar that talks cop-to-cop about the stress of the job, stress of the marriage, stress of the administration, stress of paying bills, stress of meeting expectations, the stress of living. The PBF, through the *Behind the Badge* program, has got your back – and your life is our concern.

Behind the Badge provides officers and their spouses with the signals indicating stress that is prevalent in the job, the knowledge base on how to deal with stress within yourself or a fellow officer.

Behind the Badge also provides you with contacts and someone in law enforcement to talk with if that stress becomes unbearable and suicide feels like an option.

The *Behind the Badge* seminars are free to law enforcement officers and their spouses and are POST certified. If you would like to assist in bringing a free seminar to your area or agency contact Terry Nowell at (800) 233-3506 ext. 669. If you have attended one of our seminars and are interested in being a peer counselor, contact Tim Rutledge at www.msleaps.org. Complete the form and tell him you are with SSPBA.

THE NORTH CAROLINA POLICE BENEVOLENT ASSOCIATION PRESENTS PLAQUE OF APPRECIATION TO REP. SHIRLEY RANDLEMAN

*By Randy Byrd
NCPBA Division President*

The North Carolina Police Benevolent Association recently presented a plaque of appreciation to Rep. Shirley Randleman for her efforts in passing HB 538 into law.

During the 2011-2012 legislative session, the North Carolina Police Benevolent Association, worked with Rep. Randleman, to introduce legislation to close a critical disability loophole for first year officers and deputies. Previously, under the Local Governmental Employees' Retirement System for local law enforcement officers, there wasn't a disability provision for first year officers and deputies who became disabled and had to medically retire as a direct result of an incident while performing their duties. Officers and deputies were only eligible for this benefit after one year of service.

Rep. Randleman introduced legislation (HB 538- Remove Restrictions on LEO Disability Benefits) that would provide this benefit for officers and deputies from the time they start serving their communities. The bill was filed on March 11th and made it through committees in the House and Senate before returning to the House for a concurrence vote. The bill passed the concurrence vote and was engrossed and sent to Governor Perdue. On June 27, 2011, Governor Perdue signed the bill into law.

Randy Byrd, president of the NCPBA, offered these comments about Rep. Randleman and her



NCPBA Division President presenting plaque of appreciation to Rep. Shirley Randleman

work on HB 538, "As a former clerk of court, Rep. Randleman has always had a close relationship with law enforcement officers and understands the risks they take on a daily basis. The passage of this critical piece of legislation ensures that officers and deputies in their first year of service will be cared for if they become permanently disabled while performing their duties. She worked tirelessly on this legislation, and her efforts say a lot about her commitment to the men and women of law enforcement."

Rep. Randleman enjoyed her work with the PBA and also is grateful for the commitment

by law enforcement officers to keep us safe. According to Rep. Randleman, "It was a pleasure for me to work with the North Carolina Police Benevolent Association in the passage of House Bill 538. This much needed legislation will now afford all local law enforcement officers disability benefits without a waiting period should they become incapacitated due to injuries while in the actual performance of their duties." She added, "My appreciation and gratitude is extended to all law enforcement officers in North Carolina for their dedication and willingness to sacrifice to protect our communities."

2011 'GEORGE ALMOND' OFFICER OF THE YEAR AWARD NAMED K-9 OFFICER SCOTT MCINERNY IS THE RECIPIENT OF 6TH ANNUAL AWARD

*By Randy Byrd
NCPBA Division President*

The PBA has long held the reputation for educating the public about the daily work of law enforcement officers and the sacrifices they make to keep their communities safe. Through these education efforts, many relationships with the community have led to partnerships that have benefited members of the PBA. The PBA also has an extensive history of creating solid and sustainable relationships with elected officials to effect positive change for their members.

The Cary Chapter continues to take this process of education, partnerships, and relationship building to a new level. Every year, the Cary Chapter brings together elected officials, officers, and the community to showcase the talents of police officers and honor the legacy of retired Detective George Almond.

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 2001. He survived the shooting and returned to duty as a detective in juvenile investigations before retiring in August 2004. The award recognizes outstanding achievement in the areas of leadership, community service, mentoring, excellence in performance, and valor.



*2011 Officer of the Year Scott McInerny and
George Almond*

On February 18, 2012, K-9 Officer Scott McInerny was named the recipient of the 2011 'George Almond' Officer of the Year Award in festivities at the McKimmon Conference and Training Center in Raleigh, N.C. McInerny was selected from a group of five finalists by the Cary Chapter board. The other finalists were Josh Fulbright, Lillian Hamlin, Brian Austin, and Keith Perkins.

Officer McInerny was nominated by Sgt. Jeff Ward for his exemplary efforts as a K-9 officer. During 2011, Officer McInerny was involved in the selection process of a new canine officer and stepped away from

his interdiction responsibilities to fill the role as a K-9 officer on patrol while the new officer and his dog were in school.

According to Sgt. Ward, Officer McInerny's stats for 2011 give indication the amount of work and the quality of work that he is responsible for. Officer McInerny and his partner Tayber's efforts included canine reports, training, and presentations to children and citizens groups. They also conducted drug sniffs where numerous items were checked, resulting in seizures of narcotics and currency. This work led to many felony arrests. As part of their duties, Officer McInerny and Tayber conducted canine tracks

throughout the year. They located suspects on eleven of those tracks and located evidence on twelve.

Sgt. Ward highlighted Officer McInerny's and Tayber's work on several of these tracks. One of their tracks was a suspect in a larceny from motor vehicle case. They tracked directly to the side door of a residence where they located stolen property. Another track involved an intoxicated subject whose family was concerned for his welfare. Officer McInerny and Tayber were able to track the subject and located him before he harmed himself due to his condition.

In December of last year,

Officer McNerny and Tayber led a track of a fraud suspect through a very thick wooded area and across a small creek. Officer McNerny and Tayber located the suspect's shoe in the wooded area and eventually located the suspect in the backyard of a residence.

Sgt. Ward also recognized Officer McNerny's and Tayber's efforts in resolving a continuing community problem. For several years the Cary police have had reports of a white male subject in the S.E. Cary Parkway and Cork Harbor area exposing himself to joggers and passing motorists. In October of 2011, Officer McNerny was patrolling that area when he observed the suspect in a wooded area along Cary Parkway. He requested additional officers to meet him at a location a few blocks away from where he observed the suspect. Officers were positioned strategically around the area and Officer McNerny and Tayber then approached the area in an attempt to track the suspect from where he had been observed. Officer McNerny and Tayber observed the suspect in the middle of Cary Parkway and ran him directly towards the assisting officers who apprehended him.

In concluding Officer McNerny's nomination, Sgt. Ward had the following comments about him:

"Officer McNerny always provides professional quality work

in an extremely dedicated manner. He is a hard working officer who continually puts the needs of team and the department ahead of his personal needs and does not seek recognition for his hard work." He added, "I believe that Officer McNerny is very deserving of this Officer of the Year nomination."



Sgt. Major Stephen Young, U.S. Army 'Golden Knights' Parachute Team

McNerny, upon realizing his nomination, had the following to say about his nomination and George Almond. "It is truly an honor and privilege to receive a nomination and qualify as a finalist for the George Almond Award. George's commitment to law enforcement and fight to overcome adversity is inspirational to us all. It is truly a privilege to be considered for this award among the Cary Police Department's finest officers."

Officer McNerny was born and raised in Dansville, N.Y. He graduated from Dansville High School in 1989 and later attended Corning Community College (CCC) in Corning, N.Y., graduating with an associate's degree in criminal justice. While attending CCC, he completed an internship with the Corning Police Department. He also worked at The Carpenter's Shop, which was the family-owned cabinetmaking business. Officer McNerny completed Basic Law Enforcement Training at Southern Tier Law Enforcement Academy in 1994. He joined the Clarksville Police Department in Virginia the same year as a patrol officer. Officer McNerny left the Clarksville Police Department, as a corporal, and transferred to the Cary Police Department in 1998. During his tenure with the Cary Police Department, he has served as a patrol officer, field training officer, and a detective. He is also certified specialized driving instructor and

trains Cary officers in driving maneuvers. Officer McNerny and Tayber are currently assigned to IMPACT. He and his wife Angeline live in Cary with their five-year-old son, Nathan.

Before the awards ceremony, a live auction was held to benefit the Police Benevolent Foundation. Ben Farrell, a police officer with the Morrisville Police Department and a professional auctioneer, led the auction with help from Cary



Keynote Speaker, NC Court of Appeals Judge Sam Ervin IV



Cary Police Department Honor Guard presents the colors (L-R) Officer Josh Marks, Corporal Robert Parker, Sgt. Jeff Huser, and Officer Heather Fox

Chapter Senior Vice-President Alex Gazaway. The auction raised over \$7,300 for the PBF.

After the auction, the Cary Police Department presented the colors and Ashley McLaurin returned for the second straight year to sing the national anthem to start the awards program. Officer Matt Long then gave the invocation.

Sgt. Major Stephen Young of the US Army's "Golden Knights" gave the opening remarks. Several survivors that had jumped with the "Golden Knights" were in attendance. These jumps have given survivors the chance to reclaim their confidence and to move forward through the pain that encompasses their lives. Young spoke about the deep meaning of these jumps and his respect for survivors and law enforcement. His remarks were preceded with a video that highlighted the incredible story of the "Golden Knights."

After Young's remarks, Gerald Owens was introduced as the master of ceremonies. Owens is the anchor for the 10 o'clock news of Fox 50 and the anchor of the 6 o'clock and 11 o'clock news on WRAL-TV 5. Owens introduced Court of Appeals Judge Sam Ervin IV as the keynote speaker. In his speech, Judge Ervin offered several humorous stories that entertained those in attendance. He also spoke of the friendships that he had developed with officers during his time as an attorney in Morganton and about a trooper friend that had been shot in the line of duty. Judge Ervin recalled George Almond before the banquet and how inspired he was by his story. In preparation for his remarks, Judge Ervin noted

that he had read the letters of nomination of the officers and was impressed by the energy, innovation, and community outreach of the nominees. Judge Ervin closed out his remarks by charging those in attendance to service. He said, "What better example can we find for how to do that than in the lives of service..that are exemplified in both what George has done ... and also what the nominees we are honoring this evening have done." He added, "If we could all live up to the example that they have set, I think the world would be a better place."

Gerald Owens continued with the program by recognizing the achievements of the five finalists as each was presented with an awards plaque. This portion of the program was followed by a special awards presentation to Jessica Elliott. Elliott was recognized for her extraordinary efforts to assist

Officer Chad Penland. On July 15, 2011, Officer Penland was involved in an on duty motorcycle accident and was ejected from his motorcycle after striking a truck. The accident left him in the roadway with severe injuries and an obstructed airway. Elliott witnessed the accident and immediately left her vehicle to come to his aid. As a nursing professional, she opened his airway and provided words of comfort until EMS arrived. By all accounts, her actions saved his life. Before presenting the award, Officer Penland offered remarks about his incredible story and offered his appreciation to the many people who had assisted him that day and in his recovery.

After a round of door prize presentations, Alex Gazaway gave the benediction to close a truly memorable evening.



Ashley McLaurin sings the National Anthem



Jessica Elliott receiving a special award with Officer Chad Penland and NCPBA President Randy Byrd



Auction participants partaking in the fun of a live auction.



Auctioneer Ben Farrell

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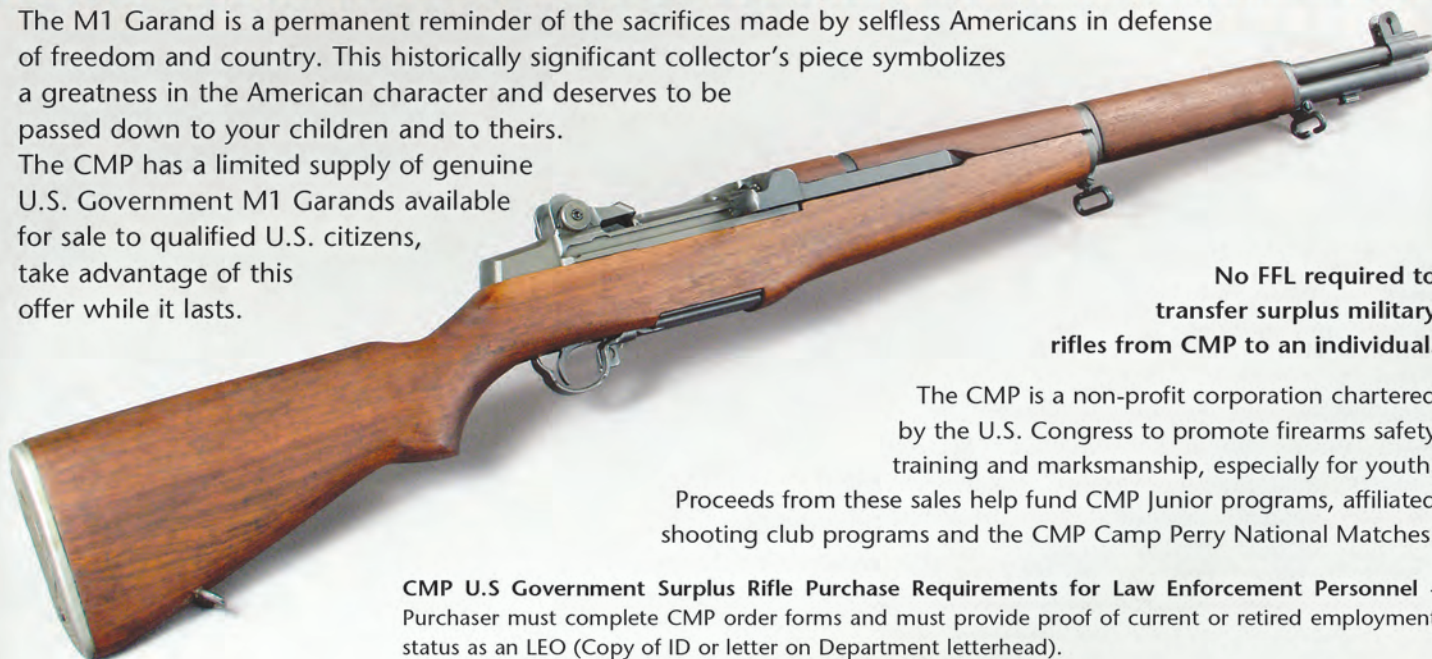
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