



A publication of the Southern States PBA

BLUE REVIEW

AN IN-DEPTH LOOK AT THE PBA, ISSUE 10

IN THE LINE OF FIRE: 10 THINGS TO REMEMBER AFTER AN OFFICER-INVOLVED SHOOTING

MEET THE PBA MEMBER AND STATE TROOPER WHO MADE INTERNATIONAL NEWS

VIRGINIA CROSSFIT FUNDRAISER AIDS FALLEN AND INJURED OFFICERS

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- Don't panic! Calm down and compose yourself.
- Don't rush into making a statement.
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- 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, unless you have been given a direct order to do so.

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The PBA is there to protect your rights.

2016 BLUE REVIEW

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Renee Dixon
Chief Operating
Officer, SSPBA

Renee handles the day-to-day operations of the SSPBA under CEO Jack Roberts and has been with the Southern States Police Benevolent Association for 30 years.

"I strive to make sure that every member's concerns are handled with professionalism and care. If you have any questions or concerns, please do not hesitate to contact me at (800) 233-3506, ext. 349."

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ALABAMA MEMBER BACK AT WORK AFTER BEING CLEARED OF CRIMINAL AND ADMINISTRATIVE CHARGES

BY JONI FLETCHER, DIRECTOR OF LEGAL SERVICES, SSPBA

Madison (AL) P.D. member Eric Parker found himself the subject of national and international scorn after a February 2015 interaction with a non-English speaking subject which led to Officer Parker taking the subject to the ground. When a call came in to the department regarding a suspicious person going up driveways and looking into garages, Officer Parker and a fellow officer responded and approached the suspect. After the subject failed to comply with the officers' instructions, was fidgety and repeatedly pulled away from the officers as they attempted to pat him down, Officer Parker took the subject to the ground. As it turned out, the subject was the elderly father of a local citizen and was visiting from India. Within three days, Officer Parker was placed on administrative duty and was informed that dash-cam video of the incident was being released to the media. Once the video was released, Officer Parker was fired, the governor of Alabama officially apologized to the country of India, and representatives from the Indian government condemned Parker's actions.

Shortly after the incident, PBA assigned attorney Robert B. Tuten of Huntsville to the case.

Not only did Madison P.D. terminate Parker's employment, the department also had him arrested for assault. Shortly thereafter, the federal government indicted Parker on a civil rights violation charge. The first federal trial on this charge began in September 2015, and resulted in a mistrial as the jury was unable to reach a unanimous verdict. A second federal trial was held in October 2015, and it resulted in another hung jury.

After federal prosecutors announced their intention to try the case yet again, attorney Robert Tuten filed a motion for acquittal. In January 2016, U.S. District Judge Madeline Haikala granted the motion to acquit Parker and issued a 92-page opinion. "The Court has no reason

to expect a different result in a subsequent trial given the totality of the evidence that the parties have provided," Judge Haikala wrote.

As a sidenote, the actions of Madison P.D. Chief Larry Muncey during Parker's first trial ultimately led to Judge Haikala finding Muncey to be guilty of criminal contempt charges and ordering him to pay a \$2,500 fine. During the trial, Judge



Officer Eric Parker and PBA attorney Robert Tuten

Haikala ordered witnesses not to discuss the case, yet Chief Muncey demanded that officers who testified submit to him a written report summarizing their testimony. The judge had also banned Muncey from the courtroom during Parker's trial.

In May 2016, the Alabama attorney general filed a motion in Limestone County District Court to dismiss the remaining state charge, misdemeanor assault, against Parker. "After a careful review of the witness testimony included in 2,000 pages of federal trial transcripts and a re-evaluation of the evidence, we

are seeking to dismiss State charges against Mr. Parker," said Attorney General Luther Strange. The Limestone County District Court granted the motion and dismissed the case against Parker on May 12, 2016, thereby ending all criminal action against Parker.

By September 2016, Officer Eric Parker was back at work at Madison P.D. Madison's acting police chief Jim Cooke determined that Parker did not violate departmental policy in the underlying incident. "I have extensively reviewed all of the documentation regarding the case," Chief Cooke said, "and I have made the factual determination that Officer Parker's actions in February 2015 did not amount to a policy violation. This decision was based on the review of all departmental and court determination." Chief Muncey ultimately resigned as police chief on November 17, 2016.

Attorney Tuten continues to represent Officer Parker in the federal lawsuit filed against him as a result of this incident. "The Parker case was the most difficult case I have ever handled. I thank the PBA for giving me the resources I needed to properly defend my client. It only takes a second for an officer to find himself in trouble. Without the PBA's support and backing, an officer can face financial ruin even if he wins his case. I can not imagine why any officer would not be a PBA member," Tuten said.

Regarding the lawsuit and help from the PBA, Officer Parker said, "The PBA helped me in more ways than I ever expected. Not only did they cover every part of the litigation expenses, they provided the very best lawyer possible to represent me. I cannot be more grateful for the support of the PBA and my fellow officers during this trying time. They are the reason that I am able to continue my career in law enforcement."

THE POLICE BENEVOLENT FOUNDATION'S BEHIND THE BADGE PROGRAM CONTINUES TO EDUCATE OFFICERS

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Why is this happening? What is pushing members of the law enforcement community to this deadly action? The answer is clear. The law enforcement community has one of the most difficult, stressful,

of policing is what they see on violent TV shows and movies, or clips from cell phones that do not show the entire situation.

Donna Schulz speaks about the divide, or the "them and us" mentality among department administration and ranks. This internal agency stress can make it difficult for officers to complete their jobs. Another stressor includes managerial stress. This occurs when officers feel that their supervisors and leadership are not supporting and leading them in a positive way. Donna says, "Most law enforcement officers are type A, driven personalities. They need leaders who are skilled in leadership, not management."

The Police Benevolent Foundation's Behind the Badge PTSD and suicide prevention seminar reaches numerous law enforcement officers and their families throughout the southern states. The Police Benevolent Foundation hosts the seminars and brings in Donna Schulz from In Harm's Way to help educate officers. Donna, recently retired from the U.S. Attorney's Office where she was the Law Enforcement Coordination Manager, created the In Harm's Way initiative in partnership with St. Petersburg College's Regional Community Policing Institute. With U.S. Department of Justice funding, In Harm's Way was developed to reduce the alarming suicide rates in law enforcement across the country. She has first-hand experience as a police officer and sergeant with the Tallahassee Police Department and knows the ups and downside of the job, and the reality of suicide among the law enforcement community.

The numbers say it all. The average age for officers committing suicide is 42. Not the rookies, but rather the officers that have been on the force for an average of 20 years. Given the current state and negative shadow that has been cast on law enforcement, many would believe that the majority of officer deaths come in the line of duty. That is not the case, however. The majority of officer deaths happen by their own hand. Research by the Badge of Life shows that twice as many die by their own hand than by homicide or accidents.

and caustic jobs out there. Officers run into violent and traumatic situations to protect the community. They see things that no one should ever have to see and are constantly faced with complex and multi-factorial stressors that affect them on the job and off. The job lacks balance and formerly safe environments are now more frequently battlefields.

The aftermath is having a devastating and adverse reaction on everyone.

During these seminars, Donna Schulz asks officers what their everyday stressors are. She gets responses like, "bills, time with family, media, etc." They talk about the stress of the job, including all of the extra work that they feel forced to take on in order to make enough money to support their families. Most officers say that they have second or third jobs outside of their positions with their agencies and often take on extra shifts. The number of hours they have to work and sleep deprivation takes a toll on them.

Another huge stressor is the media. This is because of the current opinion and media portrayal of the law enforcement community. They face tough critics and even greater dangers due to the media's portrayal. In a similar vein, television and movies also lead to stress. Oftentimes, people think that the police should be able to solve cases and make arrests sooner since they see an entire case solved during an hour-long TV show. Their view

The difficulties of the job can also affect the officer's health. This includes sleep deprivation due to their constantly changing schedules. Heart attacks, high blood pressure and diabetes are common among the law enforcement community.

Officers and detectives have a hard time dealing with the stressors of their jobs because work doesn't end when they go home. They still live the cases and remember the victims and aspects of the case, sometimes long after the trials are over. They can also become hypervigilant due to the stress and trauma of the job. Families don't understand what's happening to their loved one and don't know how to help or what to do.

One alarming statistic that Donna brings up during the seminars regards correction officers. Suicide rates for correction officers are 41% higher than that of general law enforcement. This is partly due to the fact that they spend their careers behind bars where they are hated and resented. This has a huge impact on their mentality and ability to separate work and personal life.

Due to these constant stressors, many law enforcement officers sink into a state of major depression and begin to view suicide as the only way to cope. "Suicide is like going down a deep, dark tunnel - a rabbit hole. The officer simply cannot

find a way out until suicide becomes the only option. Reaching out for help is not a sign of weakness. Officers and all first responders who feel they are going down this tunnel have to get help early on before suicide becomes the only option they can see,” Donna says.

Unfortunately, Donna knows the toll the stress of the job can take on an officer firsthand. Her husband, Bruce, who was a Vietnam veteran, Tallahassee cop (patrol, SWAT, and vice/narcotics officer), and then FBI special agent, committed suicide on March 8, 1995. He was a brave, strong family man who was unable to handle the stressors of his undercover job. Donna, a former Tallahassee cop herself, has made it her life’s mission to prevent PTSD and law enforcement suicide by telling what happened to her family and life partner. Donna met Bruce when they were both working as Tallahassee cops. Bruce worked long-term investigations and eventually decided he wanted to become a federal agent. At 35 (the highest age the FBI would accept for a new agent in the 80’s), Bruce became an FBI agent. He ended up going FCI undercover, and he and Donna lived in an undercover house. Their families and friends, as well as other agents, could not know where they lived. They lived in isolation and were shut off. He could not talk with anyone about the work he was doing, and it finally became too heavy a burden to bear. Donna speaks about how Bruce became very distant and racked with nervous jitters before his death. “He didn’t want to go out or do anything. He couldn’t sleep or eat, get comfortable or relax. I knew something was desperately wrong, but didn’t know what to do. He was such a strong man. I just knew he’d get through it, but the further he slipped down that long dark tunnel, the more hopeless it became.” At his memorial service, Director Louis Freeh called Bruce “An American Hero,” yet he did not feel fit to live. His final progress report stated: Type A driven personality, gives 110%.” But, major depression and

PTSD can grab hold of officers no matter how strong they are. Recognizing the signs, reaching out, and helping them to get help is critical.

What should you do if you have a colleague or family member that you worry is suicidal? Donna says, “Experts say that if you ask the person directly if they are thinking about killing themselves, that lowers the possibility of them going through with it. As long as you’re there with them and try to help them, there’s always a chance to stop them. Be an active listener.” Usually, people that are considering committing suicide will drop hints. They want the pain to stop and to regain control. “If you get there early enough, you can stop them before they jump over the ledge,” Donna says. Cops are Type A problem solvers



and can’t understand why they can’t solve their own problems and regain control of their lives. They are desperate for help, but the stigma of reaching out stops them. And yet, the experts tell us that 90% of suicides are preventable and treatable.

There are several warning signs that accompany someone with suicidal thoughts. They include:

- Becoming withdrawn
- Not wanting to take part in normal activities
- Not eating; Not sleeping
- Crying often
- Talking about how life would be for others after his/her death

Research indicates that up to 80% of suicidal people give an indication that they are thinking about killing themselves. Remaining silent and not reaching out to them can have deadly consequences. Trust your gut and speak up if you think you know someone who may be suicidal. Don’t leave them alone. Get them help before it’s too late. Then get help for yourself to ensure you’re okay.

You may be thinking, what is it that prevents officers from getting help? It can be summed up in one word – STIGMA. The stigma associated with suicide and law enforcement stops many from speaking up. They are so afraid of looking weak, cowardly, incapable of doing their job or leading others. They worry about alienation from their peers, losing their career and fear a lack of confidentiality. Bottom line – if you, or someone you know, is having suicidal thoughts, be courageous and get help early. Better yet, get voluntary mental health check-ups every year to make sure you are in control, strong, emotionally and mentally ready to face another year. Suicide tears at the very fabric of the agency. More than a few good men and women have been lost, yet the experts tell us that suicide is highly preventable with education.

Why do we choose tragedy instead of ensuring our agencies have ongoing prevention training?

Programs like this PTSD and Suicide Prevention Seminar are gaining popularity, and the Police Benevolent Foundation looks forward to hosting even more events. The more people this seminar reaches, the more lives will be saved. For more information about the Police Benevolent Foundation and the Behind the Badge PTSD and Suicide Prevention Seminars, please visit www.pbfi.org. For more information on the In Harm’s Way program, please visit <http://policesuicide.spcollege.edu>.

Remember, it takes courage to ask for help. Be courageous and reach out if you or someone you know needs help.

POLICE LINE DO NOT CROSS

IN THE LINE OF FIRE: TEN THINGS TO REMEMBER AFTER AN OFFICER-INVOLVED SHOOTING

BY ANDREW RUTENS AND MELISSA HUNTER, PBA ATTORNEYS FROM GALLOWAY, WETTERMARK, EVEREST & RUTENS, LLP, IN MOBILE, AL

The following list of things to remember when involved in an officer-involved shooting is designed to provide general guidance to an officer who is confronted with this type of incredibly stressful situation. Please note that general procedural orders always take precedent and should be adhered to at all times. You should also rely on your PBA assigned attorney's advice. They will be in the best position to advise you on the appropriate course of action in your specific set of circumstances.

1. Secure the scene. Immediately after a shooting, you should make sure that all suspects have been secured and first aid has been rendered to any injured persons. Maintenance of evidence is imperative. Photographs or video of the area may be taken, and certain items, such as your weapon or duty gear, may be collected and preserved. Work within your department's policies to make sure that patrol vehicle and officer body camera video are captured.

2. Reach out to PBA. If you were involved in the shooting, after the scene has been secured you should contact the



Attorney Andrew Rutens

PBA and request their assistance. The PBA will promptly have an attorney contact you on scene to provide you with representation and address any immediate concerns that you may have.

3. Do not talk to the media. The best policy for all parties involved is a 48-hour release policy. During that time, neither the name of the officer nor the name of the injured individual should be released. The policy gives the officer involved time to notify his or her family and arrange for temporary, secure accommodations if the department fears that threats or retaliation may follow. The policy also gives the department time to properly notify the family of the injured individual. The department may wish to issue a formal media release to assure the public that the incident is being handled professionally and expeditiously. Inadvertent release of information through off the cuff statements made to the media can result in two problems. First, people with an agenda who wish they had witnessed the event can use bits and pieces of accurate information to bolster a version of the events that didn't occur. Second, off the cuff comments become the gospel in court.

This even though news reporters often don't air or even keep the entire clip of an interview. It is way too easy for things to be taken out of context, and you can be

confronted with having to explain or even contradict yourself later on.

4. Know your rights. If you are questioned after an incident, you should first determine whether the questioning is of an administrative or criminal nature. If the questioning is for alleged criminal conduct, you should invoke your Miranda rights and ask for an attorney. Under law established by the United States Supreme Court in *Garrity v. New Jersey*, 385 U.S. 493 (1967), a compelled statement cannot be used as evidence against you in a criminal investigation. This is also commonly referred to as your Fifth Amendment Right against self-incrimination. However, a compelled statement may be used for internal review. If the questioning is of an administrative nature, you should answer all related questions truthfully. An internal investigation may take place to determine whether the shooting was consistent with agency policy and training. If criminal charges are filed, the case may be investigated by a grand jury. The grand jury has the opportunity to review the investigative file and take testimony from witnesses. To return an indictment, the grand jury members must vote that the probable cause standard has been met.

5. Complete your use of force report. When you use force, the details of the event should be thoroughly documented. The written report may be accompanied by photographs, evidence collected and recorded statements. Details leading up to the force event should be described in detail. All facts known or perceived by you should also be included. You should document the reasons why you believed that the force was necessary at that time. The type of force, including number of shots fired, should be indicated. The report should identify the location of the injured person as well as any outstanding subjects. It should also include the description and location of known victims, witnesses and evidence. Make sure you have invoked your Garrity rights discussed above.

6. Give your statement/debriefing. Providing an internal statement or having a debriefing of the event is common.



Attorney Melissa Hunter

Usually, statements will be taken 24-72 hours after the incident. This waiting period provides ample time for securing representation, sleep, rest and reflection. It's very important that you describe in detail all facts leading up to the point that deadly force was used. Most often, these interviews will be conducted individually, rather than in a group setting. This prevents any type of intimidation from another officer. A walk-through may be needed. Audio and/or video recordings may also be taken. Make sure you have invoked your Garrity rights discussed above.

7. Be aware of possible civil issues. Officer-involved shootings sometimes result in the filing of a civil lawsuit against the officer or department. These claims, most often for excessive force, are analyzed under the Fourth Amendment's "objective reasonableness" standard. As a law enforcement officer, you are protected by various immunities in civil cases. One of the most important is qualified immunity. The basic concept of the immunity is that, because police officers often have to make difficult split-second decisions, they should not face civil liability in the absence of a violation of clearly established law. Your PBA membership assures you adequate

representation and legal counsel should you find yourself named as a defendant in a civil lawsuit. Most cities and counties have general liability insurance which should afford you coverage and pay for your legal defense. Immediately request that a claim be submitted on your behalf for coverage under this policy.

8. Ask about administrative leave. Check to see whether or not your department has a policy that requires leave after an incident. Regardless of whether or not it is required, a period of leave may be to your benefit. Taking leave will allow you time to decompress and allows the department or investigative agency to perform their investigation without media or social organizations making accusations that the officer was involved in the investigation and "tainted" the results. After being cleared to return to work, requalification or retraining may be necessary.

9. Seek peer support. Don't be afraid to ask for help. It is normal to feel scared and uncertain after a shooting. If you're involved in a shooting, you may be assigned a companion officer for assistance and support. This individual will be trained in dealing with the after-effects of these types of incidents. Take advantage of these resources. If you know an officer who has been involved in a shooting, please don't isolate them. Instead, offer them your support.

10. Disciplinary Action. Your concerns over administrative consequences may be the most stressful part of the shooting. It may be that, after an internal investigation has taken place, the department determines that adverse employment action is warranted. Typical administrative actions may include: written reprimand, retraining, reassignment or termination. Again, this is why you have a PBA membership. The PBA serves to provide you with top quality representation.

Visit SSPBA.ORG to update your beneficiary information.

VIRGINIA CROSSFIT FUNDRAISER AIDS FALLEN AND INJURED OFFICERS

BY SEAN MCGOWAN, EXECUTIVE DIRECTOR, VAPBA

On February 27, 2016, I was having dinner with my wife Patricia, and our good friend Jason Crawford when the preliminary reports of an officer involved shooting in Prince William County, Va. began to flood my phone. Over the course of the next few hours, we came to find out that, sadly, Officer Ashley Guindon had been shot and killed during her first night on the job as a Prince William officer. Also shot and seriously injured were veteran officers Jesse Hempen and David McKeown. Over the following hours, Prince William County Chapter PBA President Stan Korson was able to provide me with information on the incident and the condition of officers Hempen and McKeown.

The next morning, Jason Crawford got a call from Federal Police Officer Steve

Carter who was scheduled for March 19, 2016, at 10am. Participants would complete a Hero workout named “ASHLEY” in honor of Officer Guindon, Hempen and McKeown. Not for the faint of heart, athletes would complete a one mile run, fifty pull ups, forty wall balls, thirty toes to bar, twenty burpees and ten deadlifts, followed by another one mile run. The workout was to be completed wearing a twenty-pound vest or flack jacket.

In conjunction with the event planning taking place at Crossfit Woodbridge, the communication staff at PBA began work on a social media blitz to attract attention to the fundraising and Crossfit event. The PBA Communications Department worked with their usual, impressive level of professionalism, giving the event legitimacy. The Prince William Police

All chapter presidents in Virginia used every media avenue available to inform their members and the public about this important cause.

Members of the gym and our Prince William PBA Chapter sought out local businesses that donated everything from free food and drinks, to a long row of portable job site toilets. Vendors agreed to attend and donate to the fund.

Donations began to come in at an impressive pace with the PBA Communications Department working tirelessly to spread the word and direct donations to the fund.

Gyms from across the country, and world, contacted me and reported that they were holding the same fundraiser in California, Maryland, Louisiana and military bases in the Middle East, to name a few. All planned to send all the raised funds to the PBF memorial account.

The day of the event arrived with over two hundred eighty registered athletes scheduled to workout in honor of the officers. Ashley Guindon’s Aunt Joanna attended the event as a registered athlete and addressed the crowd. Officer Jesse Hempen and his family came to thank the crowd for their support. Military personnel, fire fighters and police officers arrived to complete the workout, some in full uniform and turn out gear. Local and state politicians came to support our officers including House of Representatives member Richard Anderson, acting Prince William County Executive Chris Martino and Deputy Police Chief Barry Bernard. The response and attendance was nothing less than amazing!

After the fundraiser donations were totaled, online donations and mailed donations were added bringing the total amount raised in support of our Prince William Police heroes to over two hundred thousand dollars. The PBF has been able to distribute one hundred percent of the donations to Ashley’s family, Jesse and David, and donations continue to come in that help continue



Officer Steve Carter giving workout instructions at the Prince William County fundraiser

Carter who, along with Jason, is a coach at Crossfit Woodbridge. Steve told Jason that he wanted to put together a workout fundraiser to assist the family of Officer Guindon and Officers Hempen and McKeown. Officer Guindon and Officer Hempen had been members of Crossfit Woodbridge, and the entire Crossfit community was ready to jump in and assist. Gym owner Dan Broughton agreed to host the fundraiser and also began working on pulling together resources.

The workout devised by Coach Steve

Department management allowed PBA and PBF information on the event to be posted on the department website, which provided another outlet that let donors know how to donate. Local news media picked up the story about the fundraiser and brought President Korson, Steve Carter and Dan Broughton on live TV to promote the event and demonstrate the movements included in the workout. Virginia PBA Division President Joe Woloszyn used his network as a division leader to spread the word and generate awareness about the fundraising efforts.

ongoing support.

Jesse Hempen has returned to work on full duty, David is still receiving treatment for his injuries, and the PBA family wishes him a quick and full recovery.

This effort shows the vital importance of PBA membership, chapter involvement and community ties that promote our primary goal as law enforcement officers. This event demonstrated that the majority of the public is still grateful for, and appreciates having, law enforcement officers standing guard twenty-four seven to ensure their safety and answer their calls for help.



Jason Crawford leading the first mile during the crossfit workout

ATTORNEY SPOTLIGHT: STEVE DENTON



was made evident when he participated as a speaker in the second PBA critical incident attorney seminar held this year in Columbia, S.C.

“Before becoming an attorney, I served as a narcotics and vice squad officer with the Spartanburg County Sheriff’s Department. I was promoted to violent crimes/homicide, working well over 250 homicides. Then I was promoted to captain over investigations, supervising about 100 detectives, prior to my retirement. When I retired from law enforcement at the age of 43, I decided it was time to serve in another way, so I went to law school. I graduated from the Charleston School of Law in 2010, passed the bar, and have been working as an attorney ever since,” Denton said.

Attorney Steve Denton of Spartanburg, S.C. has represented SSPBA members since 2010. Since he began providing his legal services to the PBA, Denton has worked on approximately 100 cases for PBA members. As a former law enforcement officer, he knows just how important strong legal representation is to members in their time of need. Denton has roots in both sides of the PBA foundation of law enforcement and legal. He uses his vast knowledge to help educate other PBA attorneys. This knowledge

Denton definitely stays busy with his legal practice by handling anywhere from 300 to 350 active criminal cases at any given time. In his firm, Harrison, White, Smith & Coggins, P.C., there is a constant stream of cases, but with great resources, they are able to handle them effectively and with personalized attention. Even with a heavy workload, Denton still finds time to give back to the law enforcement community through events such as a Christmas breakfast and hunting day.

“Serving as a police officer is a tough

job, and it seems to be getting tougher every day. There are no long lunches; there are no meetings on the golf course. Police officers are there to help others in the toughest of conditions, putting their lives on the line every day so the rest of us can live our lives peacefully. The most rewarding part of providing my time and services is helping those who always help others. Our officers need a voice. The SSPBA gives them that voice, along with the volunteers who are there to represent them. When we need them, they are there for us. We need to be there for them, and I am,” Denton said.

When asked what being chosen for an attorney spotlight meant to him, Denton replied, “It means a great deal to me, both personally and professionally. It’s always humbling to be recognized for your work. But I’m most excited that it gives me the opportunity to promote the good work of the PBA to my friends in the legal community. Our police officers need all the help and assistance we can give them, and I hope my nomination brings awareness to this critical need.” Denton went on to say, “Everyone needs to do their part to protect and serve those who protect and serve us.”

Steve Denton’s Law Office is located at 178 W. Main Street, Spartanburg, SC 29306. He may also be reached by phone at (864) 585-5100.

MISSISSIPPI PBA MEMBER AWARDED PURPLE HEART MEDAL

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Officer Kevin Parker

Mississippi State Line Chapter member and Officer Kevin Parker has made a great impact on his department in a very short amount of time. As a patrolman, Officer Parker has been with the Corinth Police Department since November 2014. While on the job in August of 2015, Officer Parker was shot twice.

On August 19, 2015, Officer Parker was performing an extra patrol when he responded to a prowler call. He noticed a suspicious subject in the area and attempted to approach him. The subject rushed Officer Parker, and they struggled over his duty weapon. Officer Parker was shot twice during the struggle (once in the chest and once in the left shoulder) but still maintained control of his duty weapon. His recovery process lasted two months, but he is now doing well and back at work.

Mississippi State Line Chapter President and Corinth PD Captain Ben Moore recalls the day Officer Parker received a special honor. Captain Moore said, "Chief Ralph Dance called a department-wide meeting for Monday, November 2, 2015. Chief Dance and Major Chuck Hinds presented Officer Parker with the Purple Heart medal during the meeting. Officer Parker's family was also present during the presentation. It was a very emotional moment. With about 45 officers present, I don't think there was a dry eye in the building. Officer Parker and his family received a standing ovation from the entire department. Following the meeting, Officer Parker also received the Officer of the Year award from the Corinth Police Department, which was voted on by his fellow officers."

Parker was very honored by his Purple Heart medal. "Receiving a Purple Heart is a big honor to me. Although I definitely did not ever plan on receiving this award, I am just glad that God was with me and kept me safe through the incident. I look forward to putting this incident past me and moving forward with my career," he said. "There are many things that led me to pursue a career in law enforcement. The main one is that my father had a long career as a police officer and I wanted to follow in his footsteps," added Parker.

When asked what the most rewarding thing about being a police officer is, Parker said, "When I get an opportunity to help someone. It is not all about writing tickets and taking people to jail. Helping a stranded motorist change a flat tire is much more rewarding to me."

Officer Parker has already made a lasting impression on Captain Moore. "Officer Parker is a sharp young officer who has gained a lot of experience in a short amount of time. I think through this incident Officer Parker will be able to help other officers that go through similar situations. He's been through more in the first six months of his career than most officers will experience in 25-30 years. Officer Parker is truly a role model for officers and young people alike. He answered the call of duty by serving his country, which he still does through the National Guard and the citizens of Corinth," Captain Moore said. Moore went on to say, "On August 19, 2015, Officer Parker was presented with a serious situation and if not for God's grace and his law enforcement and military training, he probably wouldn't be serving and protecting today. Officer Parker stayed in the fight and didn't give up."



PBF DONATION MADE IN HONOR OF TWO OFFICERS WHO SAVED WOMAN'S LIFE

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA

Disclaimer: Names have been changed to protect parties involved. The following is based on a true story.

Brenda Lewis had a normal life - husband, children, job, and a house - the whole deal. She was married to Dennis for 38 years. They were happy and content until 2012 when Dennis became a drastically different person. By 2014, they were in the process of getting a divorce. Dennis began to express his feelings on social media, including threatening to kill Brenda. Unfortunately, the man Brenda was married to for 38 years was not who she thought he was at all.

Brenda requested and received a restraining order against him, but the threats didn't stop. The Commonwealth's Attorney's office became deeply concerned by Dennis' behavior. According to Commonwealth's Attorney, Ben Hudson, the case presented a challenge. The challenge was that Dennis hadn't yet crossed a line, but law enforcement became very concerned for Brenda's safety. They put a team in place to respond to her at home and at work. Multiple law enforcement agencies in Virginia worked together to protect her. GPS tracking units were placed on his car, and law enforcement continued to monitor the situation until he escalated. Dennis then began sending dramatic and detailed messages to family members regarding how he fantasized about having her killed. Finally, law enforcement received a call from an informant who met with Dennis saying Dennis wanted to hire someone to kill Brenda. Since this interaction took place offline, the line was crossed and the groundwork could begin being laid for a case against Dennis.

Now that they had a foothold to work with, the Cyber Unit put an ad on Dennis' Facebook page for "Hitman.com." Dennis clicked the link and agreed to meet with the hit man. An undercover officer played the role of the hit man and met with Dennis twice. Dennis jumped at the chance to meet with the hit man and confirmed his intention to have his



wife killed. The undercover officer who acted as the hit man gave Dennis multiple opportunities to back out or say he wasn't serious about wanting her killed. Dennis forged on and even made payment arrangements and drew a diagram of the house for the undercover officer. Little did Dennis know that those conversations were recorded, and he was soon arrested for solicitation of a murder-for-hire. Dennis is currently in prison, and Brenda is very grateful to the law enforcement officers who saved her life.

After the case was resolved, Brenda decided she wanted to do something to say thank you to the law enforcement officers that worked on her behalf. The Commonwealth's Attorney suggested making a donation to the Police Benevolent Foundation. "He said it would be the best thing I could do because officers have no clue what they're walking into," Brenda said.

"My office suggested that she make the donation to the PBF because it was the police that helped her. Even when there wasn't a legal charge, they still went above and beyond to protect her. The coordination between the law enforcement agencies, the sharing of personnel and how they properly communicated with each other led to an arrest," said Commonwealth's Attorney Hudson. Brenda made the donation in honor of two of the officers who worked on her case, Investigator Ken Johnson,

who was instrumental in keeping her safe, and the undercover officer, who for safety reasons must retain his anonymity. Brenda said, "I just want them to know how grateful I am. I received nothing but care and good feelings from them during the investigation. They saved my life."

Having a donation made to the PBF in his name is a great honor for Investigator Johnson. "Her response and donation is very humbling. While I am appreciative, I cannot stress enough that this was a team effort. The case was resolved because of the hard work of everyone involved. I could not have done this alone!"

For more information on the Police Benevolent Foundation, please visit www.pbfi.org.

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PROSECUTORS INCREASINGLY IMPAIRING OFFICERS, CAREERS BY RAISING GIGLIO CONCERNS

BY ANDY VALLI, STAFF ATTORNEY, SSPBA

Ancedotal evidence around the PBA office indicates a steep rise this past year in the placement of officers on so-called “*Giglio* lists” by District Attorneys. This article will discuss the U.S. Supreme Court case of *Giglio v. U.S.*, 405 U.S. 150, 92 S. Ct. 763 (1972) and the devastating effect that a charge of “*Giglio* impairment” can have on a law enforcement career. We also offer tips on how to protect yourself from *Giglio* charges.

THE GIGLIO CASE

Mr. Giglio was convicted of passing forged money orders through a bank and sentenced to five years. The crime had the air of an inside job because a young bank teller named Taliento gave Giglio one of the bank’s customer signature cards—which Giglio then used to forge \$2,300 in money orders that Taliento cashed. The legal opinion does not tell us what Taliento’s take in the forgery scheme was, but does inform us that the first AUSA assigned to prosecute the case promised leniency to Taliento if he testified against Giglio. A second AUSA tried the case two years later, and during cross-examination at trial Taliento denied that he was offered leniency in exchange for implicating Giglio in the crime. During closing argument, the second AUSA also told the jury that Taliento received no promises that he would not be indicted. After Giglio was convicted, an affidavit written by the first AUSA surfaced in which the first AUSA attested that he had, in fact, offered Taliento a no-indictment, non-prosecution deal. Perhaps sensing a scandal, the United States Attorney himself then waded in to defend his honor, offering a hybridized third version of what type of deal young Taliento may or may not have been offered.

The upshot of this prosecutorial mess was that the Supreme Court reversed the conviction and remanded the case for a new trial. The case raises at least two areas of concern for our members who must testify as trial witnesses in criminal matters: (1) the prosecutor’s duty to

disclose impeachable information about its witnesses to defense counsel, and (2) the procedures that the prosecutor’s office uses to collect and manage potentially impeachable material about you from your law enforcement agency. Both areas can be subject to abuse by politically motivated (or simply inept) prosecutors and their staff.

Prosecutor Duty to Disclose Impeachable Information

The *Giglio* case and its progeny are generally interpreted to require the prosecutor to provide defense counsel with any information that may be used to impeach the credibility of its government witnesses. The prosecutor’s duty to disclose is limited somewhat by a materiality standard—meaning that the prosecutor must disclose only if the potentially impeachable information could in any reasonable likelihood affect the judgment of the jury.

Impeachable information may include but is not limited to: (a) specific instances of conduct of a witness for the purpose of attacking the witness’ credibility or character for truthfulness, (b) evidence in the form of opinion or reputation as to a witness’ character for truthfulness, (c) prior inconsistent statements, and (d) information that may be used to suggest that a witness is biased.

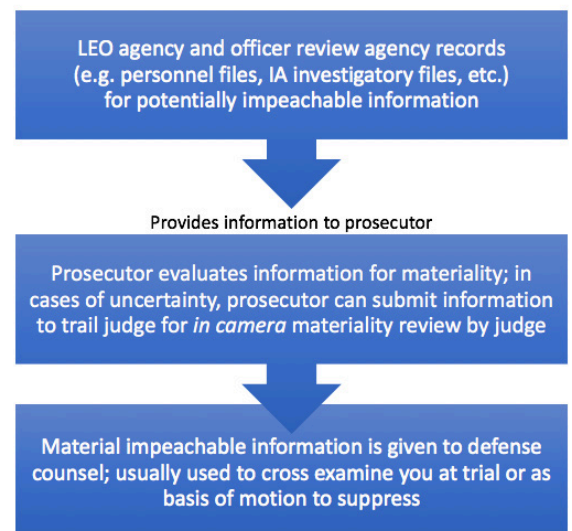
The Duty of Truthfulness in your agency’s Code of Conduct is key here and there is no limit to the sources of potentially impeachable information, but the main sources seem to be:

- Personnel files (including self-disclosures about prior convictions and employment history on employment applications);
- IA investigative files (including conflicting statements made by you or by other witnesses);

- Administrative disciplinary records;
- Reports you have written in connection with investigations or arrests;
- Results of polygraph examinations;
- Statements given by you in connection with personal off-duty conduct; and
- Records maintained by your State law enforcement certification agency.

Procedures

Most prosecutors are either elected (District Attorneys and Solicitors) or are political appointees (United States Attorneys) who want to avoid the kind of professional embarrassment suffered by the United States Attorney in the *Giglio* case. Therefore, many develop policies and procedures designed to gather and assess the materiality of potentially impeachable information about their agency witnesses. The procedures may be written and usually follow this flow chart:



These policies do help preserve the integrity of the criminal process and citizen trust in the rule of law; however, law enforcement officers should understand that they often do not protect the employment and privacy rights of the individual officers. Quite the opposite is often true: the prosecutor has broad discretion to collect and manage the

information it receives, and the prosecutor policies and procedures we have reviewed to date NEVER provide the officer with any rights to dispute or appeal those policy, procedure or materiality practices and decisions.

In some cases, the nature of the impeachable information may cause the prosecutor to dismiss the charges and the prosecutor may even permanently place the law enforcement officer on a *Giglio* list. The prosecutor usually does this by sending a letter to your agency advising your Chief or Sheriff that he/she has lost confidence in your propensity for truthfulness, that you are *Giglio*-impaired and that the prosecutor will no longer prosecute any cases for which you are the primary government witness.

Effect of *Giglio*-impairment on Law Enforcement Career

Once the *Giglio* letter is received, your agency command staff may object and push back in an informal way, but you have no mechanism to formally appeal the prosecutor's decision. Your agency is forced to make a business decision: keep you on staff performing non-law enforcement tasks or terminate your employment. Many employers will choose to terminate you. You may administratively appeal the agency decision to terminate you; however, the prosecutor's decision to place you on a *Giglio* list may well be final and unappealable.

Tips to Protect Yourself from *Giglio*-impairment

First off, re-dedicate yourself to living the Duty of Truthfulness in your agency Code of Conduct.

Perform a candid assessment of your daily work output. Even officers with the highest integrity can fall into the *Giglio* trap if you have grown tired or lazy in performance of your duties. For example, a poorly or hastily drafted arrest, incident, supplemental or use of force report may save you time in the short-run, but can cost you dearly when reviewed by command staff in the light of a later IA or criminal investigation.

If you are the subject of an IA

investigation, then review any written reports you may already have generated prior to being orally interviewed about the underlying incident. This should help prevent inconsistencies between multiple written and oral statements that might form the basis of an untruthfulness charge.

Beware of the practice of overcharging by command staff in connection with administrative disciplinary actions. Even if the rest of the charges are well-taken, you should grieve or appeal and try to have the untruthfulness charge removed or reduced to a more generic conduct unbecoming charge.

Maintain good working relationships with the prosecutors that you work with in your jurisdiction.

A Look at the Future and Conclusion

PBA staff is aware of the perceived increase in the use of *Giglio* lists, and we are working to develop solutions. One solution is to implement and/or revise agency or prosecutor policies and procedures. Some of the protections that may be inserted in these policies and procedures include:

- A provision prohibiting termination for unfair or unwarranted inclusion on a *Giglio* list;
- A provision permitting appeal, perhaps to a court, of a prosecutor's decision to add an officer to a *Giglio* list;
- A provision shifting some of the materiality assessment responsibility from the prosecutor onto a designated *Giglio* review official at the agency itself. For example, enhanced agency level screening could weed out inflammatory, but immaterial, information at the agency level before a *Giglio* disclosure package is sent to the prosecutor;
- A provision giving an officer rights to review, and possibly appeal, the information contained in the agency's proposed *Giglio* package before it is sent to the prosecutor's office; and
- A provision requiring prosecutors to provide in-service training to law enforcement agencies that updates the

agencies periodically on developments in the body of *Giglio* law.

Another consideration on the *Giglio* frontier relates to rehabilitation of *Giglio*-impaired officers. One goal of the U.S. penal system is rehabilitation of inmates. That is laudable; however, that same privilege is not extended to law enforcement officers. Prosecutors and agency officials should identify potential methods of rehabilitation (perhaps through remedial training or in-service education) of agency witnesses deemed *Giglio*-impaired.

We are also reviewing potential Constitutional challenges and other litigation related to the practice of irrevocably and permanently placing officers on a *Giglio* list.

Finally, agency officials should review relevant State Open Records Act laws and laws relating to privacy of personnel and medical information with an eye to crafting policies and procedures that afford the greatest protection to sensitive personal information of individual officers. For example, if medical information is provided to a prosecutor during a *Giglio* materiality assessment, then what happens to those records when the materiality review is completed? Are they returned to the agency? Destroyed? Retained in a prosecutor file for future reference? Are any records reviewed or maintained by the prosecutor exempted from public disclosure?

There will no doubt be further developments in the area of *Giglio* reviews in the coming year.

CONNECT WITH US ON SOCIAL MEDIA



RACE4THEFALLEN

The logo for the Glow Run event is displayed within a black square with a blue border. The words "Glow Run" are written in a large, stylized, cursive font. "Glow" is in pink and yellow, and "Run" is in blue and yellow. Below "Run" is the hashtag "#R4TF" in a smaller, white, sans-serif font.

Glow Run
#R4TF

The Police Benevolent Foundation's **Race for the Fallen 5K Glow Run** was created to honor the hardworking and dedicated members of our law enforcement community who risk their lives to protect our cities. These officers are men and women who have taken an oath to "protect and serve" the citizens in our local communities. The R4TF event recognizes the contributions and sacrifices made by not only the officers, but also their families.

The Police Benevolent Foundation exists to support law enforcement officers and the Southern States Police Benevolent Association by providing funds for the families of fallen law enforcement officers, scholarships for youth, disaster relief to officers, and post traumatic stress and suicide prevention seminars to law enforcement professionals and their families.

The Foundation depends on the support of the community through private and corporate funding in order to sustain the very worthy programs and services that it provides for law enforcement professionals and the families of fallen law enforcement officers. The Race for the Fallen is the PBF's signature fundraising series.

For more information about the race, including upcoming locations, visit:

RACEFORTHEFALLEN.COM



MEET THE PBA MEMBER AND STATE TROOPER WHO MADE INTERNATIONAL NEWS

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA

Even though some time has passed since we first learned of Trooper Nathan Bradley in October 2015, his story remains one of a kind. The events of that fateful Halloween evening will be forever in the memories of people around the world. But let's look further into the man, Trooper Bradley, and his life.

Born and raised in Georgia, Nathan Bradley graduated from a Conyers, Ga. high school in 2009. While attending Georgia Perimeter College in Covington, Ga., Bradley met a Conyers Police Officer who would change his life. Bradley says, "Growing up, I always wanted a job where I could make a difference in the community. Initially, my vision was to become a doctor. As I was attending college, I met a Conyers police officer, who stated that I was a 'good-sized boy' and asked if I ever thought about joining law enforcement. After talking to him about my goals, he assured me that police officers are able to make a difference too. So, I applied with the Atlanta Police Department in hopes to be JUST like that Conyers officer."

Bradley first joined the Atlanta Police Department in December 2011. After graduating from their Academy in November 2012, he patrolled Zone 1 for nearly 7 months before joining the Georgia State Patrol in July 2013. He graduated from Trooper School in March of 2014 and has been assigned to Troop E, Post 46 ever since.

When he's not working, Trooper Bradley enjoys spending time with his wife, Stephanie (they were married in November 2015). Some of Bradley's hobbies include staying up to date on political issues and candidates, video games, shooting guns and watching movies. Trooper Bradley said, "Other troopers pick at me for it, but my favorite movie is "Titanic". I know it's not



Georgia State Patrol Trooper Nathan Bradley

'manly,' but how can you not like the film? My favorite TV show is "Friends". I was too young to enjoy it when it was a hit, so I've been doing my best to catch up. When I am settling down after a long shift, I usually watch "Law and Order: SVU" or "Criminal Minds" before falling asleep."

Trooper Bradley loves his job and greatly enjoys working in law enforcement. "The most rewarding part about being a law enforcement officer is the involvement in the communities. Police officers are able to literally reach out and lend a helping hand. We are able to build relationships with incredible people," said Trooper Bradley.

Just a few of the aforementioned "incredible people" include the Howard children. On Halloween night last year, Trooper Bradley had the unfortunate task of telling four children that both of their

parents had been killed in a traffic accident. The children – ages 6 to 13 – were all ready to go out for Halloween when they were met by Trooper Bradley. But rather than delivering the news and leaving, Trooper Bradley decided to salvage the children's last night before their worlds changed forever. He took them out to eat and then back to the Monroe State Patrol for a movie night. Trooper Bradley kept the children in good spirits until their grandmother could arrive from Florida and deliver the devastating news.

As Trooper Bradley looks back on that night he says, "It started off as a normal shift. I knew since Halloween fell on the weekend, that we would experience a higher volume of wrecks and hoped that I'd be able to stop a few drunks. As I waited for the sun to set, I overheard my radio operator providing detail of a wreck to a trooper in a neighboring post. I checked the CAD (Computer Aided Dispatch) and saw that he was the only one out of four

counties, so I told him that I would pick it up so he could stay available. After confirming it was a fatality, I knew the night was going to be longer than usual, but I never fathomed that I would have to notify four children that both of their parents had passed. I just did what I felt was right. Everybody knows that Halloween is really a child's holiday. Rarely do you hear adults excited to go trick-or-treating, so it was important to me that they still got to enjoy their evening – at least until the news was broken to them.

"The three youngest children did not suspect a thing, but I always (and still do) suspect that the 13-year-old, Justin, knew the entire time. When I got to the house to notify the next of kin, he called me by the rank of 'Trooper.' I know it doesn't seem like a big deal, but it indicated to me that this kid was aware



Trooper Bradley and his wife, Stephanie

of the different levels of government and fully understood the titles, and possibly even our duties (such as who was responsible for making notifications after a fatal wreck.) The next day, I spoke to the 13-year-old and asked if he knew. He told me that he didn't, but did think it was weird that a State Trooper would come to their house (he realized that Troopers were traffic units.) As for their reaction, I know they are thankful for what I did that night and for the events that occurred afterwards," Bradley said.

Trooper Bradley never thought that his actions that night would go viral and worldwide. After meeting the children, he set up a GoFundMe account to help with funeral costs (which were estimated at \$7,000) for their parents, Donald and Crystal Howard. He never thought that he would raise as much as he has. "I told the 13-year-old that his family would be lucky if they received \$100, and that the probability of reaching the goal of \$7,000 was slim," Bradley

said. But, much to Trooper Bradley's surprise, his story gained international attention quickly. "The attention continued to grow and eventually made it to the national news, where I did a segment with NBC Nightly News. I did interviews with radio shows, magazines and newspapers, like The New York Times, Washington Post, People magazine and Time magazine. I did not want to miss a single opportunity to reach out to those that wanted to donate. The media did a fantastic job. Without them, it would have been very difficult to raise awareness on such a large scale. Through their help, the story went international. I was contacted by people from the UK, Europe, South America and even some Asian countries," Bradley added. Thanks to Trooper Bradley, the GoFundMe page for the children has raised over \$495,000.

With his life slowly returning to normal, he was asked why he decided to join the PBA. Trooper Bradley replied, "Right now, police officers have targets placed

on their backs. Not only are lawsuits more common, but the murder rate of police officers is increasing. I joined the PBA because I wanted a support team on my side, and I wanted to be sure that my family was taken care of should I become the next victim added to the Officer Down Memorial Page." The PBA is very honored to call Trooper Bradley one of our members. He, like so many other PBA members, is a stellar examples of what it means to be a law enforcement officer.



PBA HELPS A TROUBLED DEPARTMENT NEAR RECOVERY

“Leadership is solving problems. The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help or concluded you do not care. Either case is a failure of leadership.” —Colin Powell

This article was written by a PBA member who wishes to retain their anonymity.

The City of Madison, Ala. Police Department has been under media scrutiny for the last 18 months; however, the department has been in a state of internal decline for quite some time. Many people are aware of the Eric Parker incident, as it has come to be known. Unfortunately, the issues causing divisions within the department seem to have been escalating at an ever increasing pace for much longer than the last 18 months.

Shortly after 2009, the department began losing seasoned officers. There were numerous senior officers who chose to leave via voluntary retirement beginning in 2012. A hiring push was put into place with the department averaging almost 200 applicants per announcement. The hiring process was lengthy and diligent and in one particular cycle, only two out of 200 were hired. Unfortunately, after 2012, the numbers of applicants began to decrease and the numbers of officers leaving skyrocketed, leaving shifts dangerously short staffed and subjecting the department to tens of thousands of dollars in additional training and hiring costs. New officers would be hired, trained, outfitted, and after less than a year, would resign for employment with other departments.

Since June 2009, there were approximately 131 personnel hired by the Madison Police Department. Of those 131, only about 50 currently remain employed by the department. 81 people have been hired and left the department in 7 years. This is a staggering number for a department comprised of 85 sworn officers.

Each and every employee that left was

given the opportunity to meet with Human Resources for an exit interview. With new jobs in hand, none of these employees had any reason to be dishonest or hide the reasons they chose to leave the department.

Many of these employees stated that there was an atmosphere of distrust brewing from the “administration.” A few left due to the fact that there had been no raises or cost of living advances in years. Many stated that pay was not really a factor but that they simply did not trust the higher ranking officers who had been told to only disseminate enough information to “muddy the waters” and felt that there was a blatant lack of communication causing morale to be at an all-time low. It seemed that the exit interviews were being duly conducted by Human Resources but no one in the department was actually taking notice of why officers were choosing to leave. Due to privacy issues, Human Resources cannot release the content of the exit interviews, but there is a provision that statistics can be provided to the administration regarding reasons for leaving. These statistics were never requested by anyone from the department.

In January of 2015, less than two years after being hired and certified as an officer, Eric Parker was placed in the position of being a field training officer. The rookie officer was not given an option; he was told that if he didn’t “volunteer” to be an FTO, he would be placed on third shift, which he viewed as retribution. Parker was a decorated officer given the short time he had been with the department. He was given awards and accolades due to his exemplary performance. After only a short time, there was an incident involving a citizen and Officer Parker which is well documented in the courts and the media. The specific details won’t be covered here as this incident is simply another

catalyst for the cause. The incident was immediately investigated by the agency, and he was given the option to resign or be fired. He was placed on administrative leave, arrested, indicted, tried twice with two hung juries and finally, after a dismissal by a federal court judge, returned to duty. Through all of this, Parker was professionally represented by PBA attorneys.

After the Parker incident began, officers began leaving in a mass exodus. They felt that the department, as represented by higher ranking officers, no longer looked at them as part of a team but as pawns to be used as scapegoats. The city council, the mayor, nor the chief seemed to be concerned as to why so many officers would leave the department. In all reality, it appeared the council and mayor were completely unaware that the shift numbers were smaller, overtime was skyrocketing due to low numbers, and the general morale was at its lowest point ever.

During the first trial of Officer Parker, the chief was found to be in contempt of federal court and was sentenced to pay a fine and complete additional training. The reason for the contempt charge was that during the Parker trial, the chief emailed several of the officers and demanded they address their testimony given under oath within 24 hours of a verdict being reached. The chief was removed from the courtroom and ultimately sent in a lower ranking officer to report back while the chief read media blogs. Based on the information gained from the media blogs, the chief then called in one officer and berated him for his testimony. There was approximately two months between the first and second Parker trials and during this time, even after being charged with contempt of federal court, the chief remained in his position. After he was placed on administrative leave, the chief conducted an interview on local

television where he made statements condemning the testimony of officers in federal court. Grievances were filed against the chief with the mayor's office, who in turn, asked the chief, who was on administrative leave pending the appeal of his federal court conviction, to rule on the grievances. The chief denied the grievances, and the officers asked that the city council hear the grievances. After a nearly four-hour hearing, the city council voted to affirm the grievances filed by the officers who were all represented by PBA attorneys.

While the department was in a state of utter turmoil, officers began coming under intense scrutiny by mid-level supervisors. There were numerous incidents of "counseling" conducted by supervisors with write ups for seemingly minor actions not meeting the criteria of policy violations. The general consensus was that the "brass was out to get us." Internal Affairs was investigating more department-generated complaints than citizen complaints against officers. Officers stated that they felt like the supervisors were spending more time watching Coban videos to find minor infractions than they were attempting to repair a broken department.

In the spring of 2016, police department employees were made aware through human resources, that there was to be an increase in the insurance premiums which had already doubled in the past seven years and to expect those increases. Without having received raises and COLA adjustments, an increase in the already sky-high insurance premiums would have some new hires bringing home paychecks at the poverty level.

During this time, several officers received their copy of the PBA magazine, Blue Review. They read the story about the PBA actions in Asheville, N.C. and decided to contact that department. While both departments had experienced similar situations, it was clear that Madison was in the middle of a crisis. On recommendation of the North Carolina chapter, the officers quietly banded

together and contacted ALPBA Executive Director J.D. Hobbie, who advised them to establish a local PBA chapter.

Based on J.D. Hobbie's recommendations, a small group was formed and a meeting was announced. Word of mouth helped to bring approximately 20 officers to the first meeting. J.D. helped the participants to understand what the PBA could and would do to help with the situation of distrust and disconnect that had permeated the department. He instructed the group on how to organize and elect officers. This meeting occurred just prior to the municipal election season, and J.D. spearheaded the movement of setting up the screening committee



for the political candidates. He made it perfectly clear that if the officers wanted to effect change within the department, the place to start was with the elected leadership. That said, the newly formed chapter got very busy. The political screening committee conducted a flawless screening process with 16 of the 18 candidates for mayor and city council participating. The election was proof that PBA has influence, because the Madison County Chapter endorsed 75 percent of the winning candidates with two other endorsed candidates remaining in a future run off.

Prior to the election, members of the newly formed chapter requested to be placed on the city council agenda and

were granted five minutes to speak to the mayor and council. In a prepared speech, members made the council and mayor aware of the issues regarding the extremely high attrition rate, the need for communication and negotiation regarding health insurance, and matters of morale within the department. The chapter recommended that a board comprised of Human Resources, officers, city employees, and council members be formed to evaluate options for reducing the insurance costs. During the presentation, it was noted that no less than 30 police department employees stood as a show of unity. Based on this recommendation, members of the chapter were invited to participate in a review of options for municipal employees insurance, and their input helped to place a new policy in place that greatly benefits most employees with reduced premiums.

Representatives of the chapter were invited to meet personally with the incumbent mayor and were asked for recommendations regarding personnel and the future of the department.

In early 2016, an acting chief was named. A policy of common sense was implemented, and the overall atmosphere seemed to be one of a long, but cautious, exhale.

It appears that the department is on a rocky, but definite road to recovery. The members of the Madison County Chapter of the

Alabama Police Benevolent Association have been given strength through numbers and a voice within the city. Recently, one of the newly elected city council members came to the police department, sat in a shift briefing and received a tour of the facility. This was the first time that many officers were aware that the department had an assigned council liaison. Thanks to the PBA and the support from the entire association, the department will now have the ability to be recognized as an entity of educated and dedicated officers who are truly committed to serving the community with pride.

For more information on the Eric Parker matter, see article on page 3.

SECOND ANNUAL “ROCK 4 THE COPS” BENEFIT CONCERT NEARLY DOUBLES DONATIONS FROM PREVIOUS YEAR

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Scotty McCreery snapped a photo with the crowd

“I’m excited to tip the hat to the people that keep us safe. I’ve never really gotten the opportunity to thank law enforcement officers and it’s really fulfilling to do what I love.” This was what “The Voice” winner, Cassadee Pope had to say minutes before going on stage to perform for a sold-out crowd. Cassadee joined “American Idol” winner Scotty McCreery at the second annual “Rock 4 the Cops” on January 14, 2016. The benefit concert was a huge success and a night of great music, fun and giving back to the law enforcement community.

In just the second year of the event, the concert has already become a staple in the Augusta, Ga. community. One of the main people responsible for the success of the event was CSRA Chapter President Patrick Cullinan. The benefit concert and the Georgia Post Critical Incident Seminar (PCIS) program it supports are very important to Patrick. “The stigma in law enforcement is that officers are afraid to ask for help. I try to break down that stigma. I have seen firsthand how the PCIS program can help law enforcement. I want to afford that opportunity (of the seminar) to other officers to get help. I want to help as many officers as I can,” Cullinan said.

One hundred percent of the proceeds from the “Rock 4 the Cops” event benefit the PCIS program through the Police Benevolent Foundation. The seminars are held to help officers dealing with the

trauma that comes with the job. That may include dealing with having to shoot a suspect in the line of duty, being shot, experiencing the loss of a co-worker or partner, or working a traumatic scene.

The event took place at the Country Club Dance Hall and Saloon in Augusta, Ga. and welcomed approximately 1,000

people. The event raised over \$40,000 – nearly double the previous year’s total! Event sponsors included New Country Kicks 99, Eagle Parts & Products, Potash Corp, WAGT NBC 26, Phoenix Printing, The Country Club Dance Hall & Saloon, Element Funding, Augusta Mall, AdMax Advertising, Gerald Jones Auto Group, The Shield Club of Augusta, Augusta Pet Crematory, Specialty Camouflage, Support 1 and Rec Tec Grills.

Cullinan knows that none of the event’s success would be possible though without the support of the community. “My favorite part of the event was the vibe that I saw. Just seeing how the community came together to support law enforcement officers, especially in light of the press over the last year or so. To have the community really come together and say that they support law enforcement means a lot,” Cullinan said.

When asked what motivated him to take part in the “Rock 4 the Cops” benefit concert, Scotty McCreery said, “They’re (law enforcement) really doing good

things, you know. The PCIS seminars that they are raising money for, these cops, they’re put in situations where they don’t know what they’re coming up on. It might be the first line of defense to protect them. So it was something I could do and I’m proud to be part of a great event. My favorite part of performing tonight is the crowd. Good people. Augusta’s got a lot of good things. Just good people,” McCreery added.

When “The Voice” winner, Cassadee Pope was asked what motivated her to take part in the event, she replied: “I just don’t know how people, like these officers that protect us, go about their jobs and keep their sanity. And a huge part of why I wanted to be a part of this was because they benefit from the cause where they can get help after some traumatic event. I think that’s always been something that I haven’t really understood. How do they go through life and live normally when they have to experience pain? I just didn’t even know that this was a cause I could be part of so, I’m happy to be here,” Pope said.

The second annual “Rock 4 the Cops” was a great success, and we are already looking forward to next year’s event. For more information on the Police Benevolent Foundation, please visit www.pbfi.org.

Photos courtesy of Dean Wingard.



(L to R) Event mastermind Patrick Cullinan, Patrick Paquette and CSRA board member Donald McVean

HIGH SCHOOL SENIOR CREATES SUCCESSFUL PTSD FUNDRAISER

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Téa Davis

Téa Davis is not your typical high school senior. Earlier this year, she decided to make a difference in her community and help law enforcement. Téa was tasked with a senior project, which included a “product” in order to fulfill her graduation requirements. Rather than think of something for herself, Téa decided to create a fundraiser to give back to a cause that is near to her heart.

Téa’s mother, Tonya, is a law enforcement officer. Tonya has dealt with the most difficult and challenging parts of the job. Téa said, “My mom suffers from PTSD, and I am grateful that she recognized it before it was too late. She was hurt while at work in 2013, and I have seen everything she has had to go through. Her life completely changed that day, not just because of the pain she is in every day, but by the changes she has made in her everyday life. No one should have to worry about where they sit in a restaurant or freak out when someone is standing too close to them in line at the grocery store. Since PTSD is not considered a valid disability for workers compensation injuries, my mom is forced to work with her fears as she continues to work every shift in order to provide for her and I.”

Since Téa knows the challenges and

reality of PTSD and law enforcement all too well, she wanted to do something to make a difference. She got her varsity women’s soccer team to wear commemorative uniforms with teal PTSD ribbons on the shoulder. “During the soccer game, donation buckets were passed around in the stands. Even the visiting team and their families made donations,” Téa said. “I also placed donation buckets in different locations around the county so that people in the community could donate to the cause without having to attend the soccer game,” Téa added.

Téa’s fundraiser was a huge success! She was able to bring in well over \$600 in donations. Since Téa’s mother, Tonya, is a PBA member, Téa knew about the Police Benevolent Foundation (PBF). She decided that the donations could best help the most law enforcement officers suffering with PTSD if donated to the PBF.

“During my research, I found that no department in the United States has ever acknowledged that an officer has died from PTSD. How is that possible when the #1 cause in law enforcement deaths over the years is suicide related to PTSD stressors? PTSD is a valid disability in the military, but it is not covered in most departments’ workers’ compensation policies. It is real and should be treated the same no matter what part of public service you are in. Each goes through their own traumatic events that will forever change their lives. Too many officers are taking their own lives because they do not know how to handle the traumatic events that they have experienced while on the job. A lot of this can be avoided if the officer and/or their family know and understand how to recognize the symptoms and

how there are places to go for help. Departments need to start recognizing this disease and standing behind their officers and making sure they get the help that they need. Officers are required to take physiological exams when they start their careers, but why are they not required to take the same exams when they leave the department or retire?” Téa said.

Téa’s dedication and subject choice for her project meant a great deal to her mom. “I was shocked because she could have done her senior project on anything she wanted, and she chose to write about something that affects us personally. There are not a lot of voices out there for this type of injury, so I was thrilled that she wanted to bring it to the public’s attention,” Tonya said. “I believe that the fundraiser brought awareness to people who had no clue that PTSD is not a recognized disability in law enforcement. I do not think that the general public realizes how law enforcement officers are truly affected by the types of calls we encounter. We, as officers, are just expected to shrug off what we see and turn off our emotions, and that is not a fair expectation,” Tonya added. It most certainly is not a fair expectation and one that the Police Benevolent Foundation works daily to help alleviate. For more information on the Police Benevolent Foundation, please visit www.pbfi.org.



The commemorative uniform with PTSD ribbon

PARTISAN POLITICS KILLS BILL AIMED AT PROTECTING LAW ENFORCEMENT PROFESSIONALS IN VIRGINIA

BY SEAN MCGOWAN, EXECUTIVE DIRECTOR, VAPBA

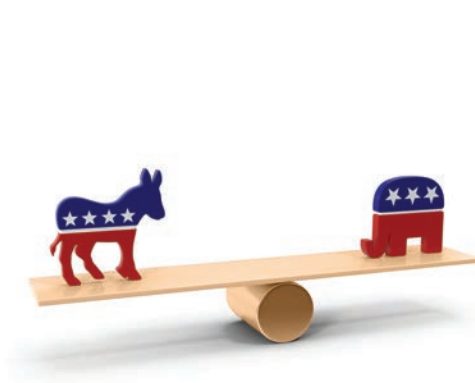
On December 7, 2015, our longtime friend and PBA supporter Delegate Jackson Miller filed House Bill 70 at our request to be considered by the 2016 Virginia General Assembly. House Bill 70 was added to the list of over two thousand bills to be considered in 2016. The request for this bill came after numerous members were exposed to having misdemeanor warrants taken out on them based on their actions in their official capacity. The current magistrate system allows a citizen to shop for a “friendly” magistrate and obtain a warrant for officers with no review by law enforcement and without input from the accused officer. This has become more prevalent given the current anti-law enforcement mindset among some of the public.

If passed into law, HB 70 legislation would have put into place a system of checks and balances aimed at preventing issuance of warrants for officers based on vindictive, malicious or “pay back” intentions.

Given the increased inherent exposure officers face to both criminal and civil liability, this measure was offered as an offset, and not a special privilege for officers.

While preparing our lobbying efforts we were able to obtain the support of other law enforcement organizations, the Chiefs of Police Association, the Sheriffs Association, the Commonwealth Attorneys Association and representatives from the magistrates themselves. Citizens and employee groups supported the bill.

To provide this necessary procedure, the bill required involvement of the Commonwealth Attorney to review any request for a misdemeanor arrest warrant for any law enforcement officer for actions that arise out of the officer’s official duties. This bill did not impact any non-law enforcement related activities on or off duty. Protection



already exists in Virginia law when felony incidents are being considered.

Once the bill was filed, our lobbying efforts went into full swing as we contacted all of our endorsed members of the House of Representatives and the Senate of Virginia. Meetings were held with members of the Criminal Law Subcommittee of House Courts of Justice where we explained the bill and the reasons for its submission. On January 27, 2016, the sub-committee passed the bill 11-0, and on February 3, 2016, the full committee then passed the bill 21-0. On February 9, 2016, the bill passed in a block vote on the House floor, 99-0. In the House of Representatives, every member, Republican and Democrat, voted in favor of this bill.

On February 22, 2016, the Senate Courts of Justice Committee heard this bill and listened to our presentation urging them to support the bill. Six members of this committee were previously PBA-endorsed candidates. This bill passed out of committee 8-6 with three of our endorsed candidates voting against us; all were Democrats! After the meeting I spoke to a prominent PBA-endorsed Democrat and asked why he voted against the bill and was told that “We already give cops enough breaks.” It was a good thing that this comment left me speechless and I did not respond immediately.

It should be noted that during all of the

hearings that were held regarding this bill, not a single person or group spoke in opposition to House Bill 70.

Knowing now that this leading Democrat placed our bill in jeopardy, we doubled our lobbying efforts and managed to get this bill passed out of the full Senate on February 24, 2016, by a vote of 24-16. Some substitute language was added to the bill by the Senate, which was intended to slow the bill’s progress down but did not change the content of

the bill. HB 70 went back to the House of Representatives for reconsideration and with a doubled effort by the opponents of the bill to stop it from passage. On February 26, 2016, the bill was voted on again by the House of Representatives and passed 70 -27. Among the “no” votes were seven PBA-endorsed Democrats who previously voted for the bill but gave in to party pressure to change their position and toe the party line.

Now that the bill had passed both the House and Senate, we assumed that the government in Virginia would respect the time-honored process of the legislature and represent the will of the citizens by taking the majority-approved, vetted and passed bill to the office of Governor Terry McAuliffe for signature into law. My assumption was wrong, very wrong. Hearing that the bill was being considered for veto, I immediately contacted the Secretary of Public Safety Brian Moran (previously endorsed PBA candidate) and asked for his assistance. Secretary Moran called me back and told me we were too late; the bill had been vetoed on March 11, 2016, by Governor Terry McAuliffe. This bill was among many bills that suffered the veto which was reported as “stopping Republican-backed legislation” by the Democrats.

The content of the bill did not seem to matter; since the legislation was submitted by a Republican it was automatically targeted by the administration and entered into the

political gotcha game without regard for the process or the will of the citizens or the legislative body.

End of story? Not quite. On April 20th, the Virginia House of Representatives took a vote to override the Governor's veto. This measure failed, and the vote was 66-34. Eleven of the no votes were from PBA-endorsed Democrats, and the vote was directly along party lines!

In the days leading up to the vote on the veto override, I contacted numerous Democrat members of the House. The ones that were willing to accept my call all reported that if they went against the governor on this vote they would have a target on their back. Some of the legislators I spoke to were not capable of telling me the truth, but reported an opinion change on the issue. It is appalling and unbelievable to me that

the Democrats in charge of the minority party in the Virginia legislature would use intimidation on their own party members to circumvent and ignore the political process.

On a historical note, at the Virginia PBA board meeting and candidate screening meeting in 2013, the board interviewed Terry McAuliffe and Ken Cuccinelli for consideration for endorsement for Virginia governor. During the screening, in front of eighteen Virginia chapter presidents, candidate McAuliffe looked at me and said, "Sean, when I am elected I want you in my office twice a year to discuss your organization's issues." I have requested to meet with Governor McAuliffe on several occasions, including an attempt to discuss HB 70 with him. No requests for meetings have ever been answered. The chapter leaders in Virginia did not endorse Terry

McAuliffe in 2013; their insight into the character of this candidate proved to be correct. Please keep a watchful eye out for his name on a federal election ballot or administration appointment and keep this information in mind.

In 2017, Virginia will elect a new governor and senators; two years later the Virginia House of Representatives will be up for election. The issues surrounding House Bill 70 will have a large impact in our vetting of candidates for endorsement. It will be then, when the candidates are seeking our help, that they will be held accountable for their loyalty, ability to keep promises and their actions either supporting or abandoning the law enforcement professionals who assisted them in the past. The PBA will continue to inform our members and provide them and their families with the necessary data to make informed voting decisions.

MOTORCYCLE RIDE FUNDRAISER RAISES OVER \$12,000 FOR THE POLICE BENEVOLENT FOUNDATION

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



to put together a day of recognition for them," Persinger said. The law enforcement community is near and dear to Jeff's heart. He previously served as a K9 officer in Selma, Ala. "I was a PBA member and I know what a great organization it is. I wanted to help a great multitude of people, not just one or two, so I knew that the Police

Benevolent Foundation could do that," Persinger added.

Persinger knew the event would be a success and that the community would show up to support law enforcement. And he was right. Well over 500 people registered for the event, and there were 241 motorcycles in the convoy. Persinger said, "I was not surprised at all by the turnout. The media has only shown what they want with regard to police. 99% of the country loves and respects officers.



The convoy was 241 motorcycles strong.

The first annual Bikers for Badges law enforcement appreciation event took place in Alabama on September 17th, 2016. The event included live music from three bands, food, door prizes, raffles and a poker run. Harley Davidson of Montgomery graciously hosted the event.

Jeff Persinger was the heart and soul of the event. He dreamed up the event and brought it to life. "In light of the recent tragedies in law enforcement, I wanted

I knew that people would want to help." And help they did. The total brought in was \$12,211, a great amount for an event in its first year. The money was donated to the Police Benevolent Foundation so that it can reach more officers and their families when they are in need. Great job, Officer Persinger, as well as the kind community of Montgomery, Ala.

ROOKIE OFFICER MAKES INTERNATIONAL NEWS BY JUST DOING HIS JOB

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Officer Hurst never expected his seemingly simple action would mean so much. “I have received way more attention from the photo than I had ever expected. I have had people from all over the world send letters and

duty soldier, Hurst decided to become a police officer in hopes of making a difference in the community. When asked what the most rewarding aspect of being a police officer is, he replied, “Being able to make a difference in just one person’s life on a daily basis. We, as officers, cannot take that for granted. Every day someone is looking for us to be there for them or help them. Jump at that chance to make that happen. Make the difference every single day that you put the uniform on.”

Officer Hurst has been a PBA member since he was sworn in as an officer. We love hearing these great stories about our officers. Great job, Officer Hurst!

When rookie officer and PBA member James Hurst picked up an abandoned toddler to soothe him, he never knew he would garner international attention. Officer Hurst has been on the streets with the Savannah-Chatham Metro Police Department for less than a year, but has already made quite a name for himself. All by simply doing his job and being kind, something that officers never get enough recognition for.

Earlier this year, Officer Hurst was working in the Cuyler-Brownsville area, which is known for being one of Savannah’s more troubled neighborhoods. While there, Officer Hurst was called to the scene where a 16-month-old toddler was found wandering the streets. The boy was taken to the hospital to be assessed, and while waiting, Officer Hurst did something that made international news. The child, obviously distraught, would not stop crying. Officer Hurst then asked if he could hold the child to help soothe him. While holding the child, Officer Hurst’s tactical gear became very heavy, and he proceeded to lay down and make things easier for both himself and the boy. At this time, a photograph was taken of the two together and posted on social media. The post went viral and garnered massive attention.

email thanks and gratitude to me. I never expected for this to happen by just doing something so small. To me, it was not that I am a cop, but also that I am the father to small boys as well. I appreciate the fact that everyone thanked me, but we should really look at the status of our society. For something so small to gather this much attention, it shows me how off course we have gotten. We are all in this together and have to stand together to get back on track,” Officer Hurst said.

After spending 12 years in the United States Army as an active



Officer James Hurst and his sons

CIRCUIT COURT JUDGE DETERMINES THAT MOBILE COUNTY P.D. VIOLATES OFFICERS' DUE PROCESS RIGHTS

BY JONI FLETCHER, DIRECTOR OF LEGAL SERVICES, SSPBA

In a decision which supports what the Mobile County PBA Chapter has been saying for years, a Mobile County Circuit Court judge recently determined that the Mobile Police Department's pre-disciplinary procedures violate the rights of its employees. MPD's practice of denying the accused employee the opportunity to sit in on the trial board hearing to hear the evidence against him or her recently resulted in an employee's termination being overturned by the Mobile County Personnel Board and Judge Jay York upholding the personnel board's decision.

"We have been trying for years to show the department that their procedure is wrong," said Alabama PBA President Donald Scott, who is himself a retired MPD employee and Mobile County Chapter immediate past president. "An



officer and his attorney should be able to sit in throughout the trial board process and hear the arguments against him. Otherwise, it's not a fair hearing."

The recent case which prompted the judge's decision involved an officer being terminated for four major violations. Multiple witnesses testified in the case, which also included detailed review

of surveillance video. The employee was not allowed to sit in on the hearing. Ultimately, the trial board unanimously voted to terminate the employee. Upon review by the county personnel board, the employee was reinstated, and Judge York upheld the personnel board's decision.

In July 2015, the personnel board gave a similar ruling to another employee upon determining that the actions of the department in preventing an officer from hearing evidence against him violate the employee's right to due process.

"The court is saying officers have a right to be in the hearing," said Donald Scott. "We've been treated wrongly for all of these years, and now the court is agreeing with us."

PBA SUCCESSFULLY DEFENDS NORTH CAROLINA MEMBER

BY JONI FLETCHER, DIRECTOR OF LEGAL SERVICES, SSPBA

In January 2014, North Carolina PBA member Sgt. Bryon Vassey was involved in a shooting incident in which another police officer's safety was at risk due to a subject lunging at the officer with a metal pick. After Sgt. Vassey fired his weapon and ended the threat—resulting in the death of the subject—Vassey contacted the PBA. PBA attorney James Payne of Shallotte, NC responded right away to the scene and began his representation of Sgt. Vassey. After Vassey was indicted just one month later on a charge of voluntary manslaughter, PBA attorneys J. Michael McGuinness of Elizabethtown, NC and Megan Milliken of Bolivia, NC joined the Vassey defense team. These attorneys represented Vassey at his two-week trial in Brunswick County Superior Court in May 2016, at which time the judge returned a not-guilty verdict.



Pictured (L to R) are attorney J. Michael McGuinness, attorney Megan Milliken, Bryon Vassey, Victoria Vassey, and attorney James Payne

ANIMAL PROTECTION POLICE: A NEW HYBRID BETWEEN PATROL OFFICER AND ANIMAL CONTROL OFFICER

BY SIOBHAN CHASE (VAPBA FAIRFAX COUNTY CHAPTER SECRETARY) IN COLLABORATION WITH DESIREE PITTS (VAPBA FAIRFAX COUNTY CHAPTER BOARD MEMBER)



In 1999, the Fairfax County Police Department formally took over operation of the Department of Animal Control.

Since then, the police department has utilized a Special Conservator of the Peace (formerly Special Police) code section which gave the Fairfax County animal control officers law enforcement status and powers. The animal control officers (ACOs) were titled as Animal Control under the county, but sworn as Special Conservators of the Peace (SCOP), then were required to complete the same police academy and training as police officers. This requirement ensured that the ACOs were held to the same standards of training as a Fairfax County police officer. Due to their law enforcement status, these animal control officers were actively recruited by the Southern States Police Benevolent Association, resulting in most of them becoming members. There was no mistaking that these officers were hired as law enforcement and were told by their hiring agency that they were in fact law enforcement officers.

Fairfax County animal control officers have, for nearly two decades, written, obtained, and executed their own search

warrants, conducted high profile criminal investigations without outside assistance, and performed a variety of tasks they would be unable to legally handle if they were not in fact law enforcement. They also were considered emergency personnel and were available to be utilized in both major catastrophic events as well as simple back up requests for regular patrol officers. These officers were completely trained to handle and assist in situations including, but not limited to: physical arrests, writing and executing search warrants, crime scene procedures, executing misdemeanor and felony warrants, traffic stops and complaints, and active shooter situations.

In 2015, the Virginia legislature passed a bill severely limiting the status of those sworn as Special Conservators of the Peace. The bill was a result of abuse of the code section by private security agents who were presenting themselves as police officers. As of July 1, 2015, the Fairfax County animal control officers were cast into a position where they were no longer considered law enforcement under Virginia state code.

Simultaneously, Fairfax County board supervisor Michael Frey created a board

matter with the purpose of questioning whether or not sworn animal control officers were even “needed.” He suggested a study of “best practices” to determine what would be the most beneficial for Fairfax County. He referenced several other agencies that utilized civilians as their Animal Control.

Suddenly, these officers who were required to have the same training and certification as their police counterparts, were in a state of limbo in regards to whether or not they would remain certified law enforcement.

In an attempt to counteract this issue and to provide the county superiors with accurate information, two PBA board members met with several members of the Fairfax County Board of Supervisors. In one such meeting with the board chairwoman, a high ranking public safety official and a high ranking police department official were in attendance. It was in that meeting that these PBA board members were informed that the department was planning on leaving the officers in their current status rather than utilizing the simple solution of swearing in these trained and qualified officers as police officers and assigning them to an

animal control unit.

The PBA board members suggested in the meeting that the county try to do what Henrico County did in 2010. At that time, Henrico County animal control officers were experiencing an issue with their retirement in regards to the Virginia Retirement System. They submitted a bill to create a position in the code titled: Animal Protection Police Officer. This code would give that officer the full authority of an animal control officer in addition to that of a police officer, provided the individual met the minimum training requirements. The bill that was passed, however, was specific to the Henrico County form of government. In order for Animal Protection Police to become a viable option in Fairfax County, the passing of a new and separate bill with a slight variation of verbiage would be necessary to be able to be utilized in Fairfax County.

The PBA board members again were informed the county was not planning on submitting the legislation due to certain officials in the county believing that the bill would never pass.

It was at this time that these officers turned to the citizens of Fairfax County for help. One citizen in particular went above and beyond and contacted her local delegate to tell him about the Animal Protection Police code. Delegate Dave Albo was confident that the legislation would pass and wanted to do something for the Fairfax County officers. He proceeded to submit the bill to make Animal Protection Police applicable to Fairfax County. The Virginia PBA lobbied for the bill, and it passed the House and Senate unanimously after a small technical amendment in subcommittee.

After months of uncertainty, the Fairfax County ACOs were advised by the chief

of police that they would be re-sworn as Animal Protection Police Officers on July 1st, 2016. This reinstated these officers' law enforcement status and benefits.

Currently, Fairfax and Henrico counties are the only jurisdictions with Animal Protection Police Officers. The position has the potential to become a new best practice in the field of animal control that falls under the purview of a police department. It could become a more common occurrence in the future as many agencies have begun to lean towards having animal control officers that are also law enforcement. This new type of hybrid could also be quite beneficial to the animal control field due to the fact that it requires the officer to have the animal control training required by the state in addition to his or her law enforcement training.

PATRICK HIGGINS BECOMES 10,000TH MEMBER OF THE NORTH CAROLINA PBA

In August of this year, Oak Island Police Officer Patrick Higgins became the 10,000th member of the North Carolina Police Benevolent Association.

Officer Higgins was born and raised in Morris Plains, N.J. by his parents Paul and Mary Higgins, along with his siblings, Philip and Emily.

He attended Morristown High School and then went on to attend East Carolina University, where he received his bachelor's degree in criminal justice with a minor in sociology. He attended Basic Law Enforcement Training at Pitt Community College in Greenville, N.C., which prepared him for his career in law enforcement.

He began working for the Oak Island Police Department soon after graduation. "I am lucky to work and live in such an



amazing town that is right on the water. Fellow officers have been influential in helping me to build a strong beginning in my career," said Higgins.

Shortly after being hired, a number of fellow officers encouraged him to become a member of the PBA for North Carolina. This was followed by officers meeting with PBA Recruiter Tommy McKoon, who visited the department. McKoon discussed the critical importance of a PBA membership and the benefits that

are provided. This meeting was the catalyst for Officer Higgins to become a member. According to Higgins, "I believe it is vital that all current and newly hired officers become members of the PBA. They provide a variety of services to help protect you and your family from the hardships associated with this line of work. I will continue to be a member of the PBA as

long as I am in law enforcement because they are an organization that is dedicated to taking care of their members."

His future career goals include exploring different specialized units, with his current sights set on working with a K9 unit. The NCPBA is proud to have Patrick and all of the other members that make up the largest law enforcement association in North Carolina.

SSPBA LEGAL STAFF HOSTS SECOND CRITICAL INCIDENT ATTORNEY SEMINAR

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



PBA attorneys from South Carolina and Georgia attended the training presented by members of the SSPBA legal department.

In today's media-driven environment, policing is even more difficult. Add in a critical incident and there are the makings for a tough legal and media-frenzied case. The PBA works to constantly be on top of the latest challenges facing their members and attorneys. In order to ensure that PBA attorneys are best prepared for any challenge they may face, the PBA legal staff hosted their second critical incident seminar.

The seminar took place in Columbia, South Carolina on August 26, 2016. Fifteen PBA Attorneys from South Carolina and Georgia attended to gain crucial information that could help them in present and future cases. The seminar also allowed the attorneys the opportunity to meet with fellow attorneys and share resources and tactics that could help PBA members. SSPBA Chief Operating Officer Renee Dixon was present at the seminar and thanked the attorneys for attending. "We could not provide our services without your help," she told those present. "Thank you for the vital role you play in assisting our members."

Speakers included PBA legal staff along with PBA attorneys. Director of Legal Services Joni Fletcher began the seminar before turning the discussion over to SSPBA General Counsel Don English, PBA Attorney Grady Dukes, Staff Attorney Dale Preiser and PBA attorneys from the surrounding area, Steve Denton of Spartanburg and John M. Mussetto of

Greenville.

The attorneys in attendance were very receptive to the speakers and engaged in conversation about the information they were given. Topics included a step-by-step outline of actions for the attorneys to use when responding to a PBA member's critical incident. SSPBA General Counsel Don English stressed the most important step was to first check on the member and be sure that they are doing okay physically and emotionally. Suggestions included giving the officer the opportunity to postpone their interviews until a minimum of twenty-four hours, preferably seventy-two hours, post-incident. This allows the officer time to process and be clear-minded before giving a statement to investigators.

PBA attorneys Grady Dukes and Steve Denton spoke about the criminal investigative process. They gave a detailed discussion regarding prosecutors' and investigators' roles in critical incidents. They also spoke on the public pressure and media scrutiny that have led to changes in the investigators' approach.

PBA Staff Attorney Dale Preiser spoke about how critical incidents affect law enforcement officers and their ability to return to duty. Preiser referenced the federal HB14-1343 Peace Officer Post-traumatic Stress Disorder Task Force Report from January 2015: "No other occupation immerses employees

in the realm of interpersonal violence more than that of a peace officer. Of all the professional occupations, only the peace officer has the legal authority and obligation to execute a segment of their duties by engaging in interpersonal violence." Often officers must overcome Post Shooting Trauma (PST) and/or Posttraumatic Stress (PTS) many times after a critical incident.

Attorney John M. Mussetto spoke last during the seminar by giving the audience a scenario to consider. He presented a video and asked the group to give their perceptions of what happened. After discussion, he told the group what really happened and made his point that there can always be different viewpoints and opinions regarding a critical incident, so to be prepared and see a scene from all sides.

SSPBA Director of Legal Services Joni Fletcher said, "On-duty shootings and critical incidents involving police officers have dominated the headlines over the past year. The purpose of this seminar was to assist the attorneys who represent the law enforcement officers who may find themselves involved in such incidents. We believe that a seminar such as this one helps to inform PBA attorneys about current issues facing our members and helps to strengthen our legal network. We greatly appreciate these attorneys spending the day with us and reaffirming their commitment to our membership."

SSPBA LEGAL BENEFITS TO MEMBERS CONTINUE TO INCREASE

BY JONI J. FLETCHER, DIRECTOR OF LEGAL SERVICES, SSPBA

As SSPBA membership has continued its trend upward, so has the number of open legal cases for SSPBA members. At the end of October, the legal department was managing a total of 1227 open cases. The categories with the highest total of cases are civil lawsuits (420) and shootings (238).

Legal cases for PBA members are all coordinated through the SSPBA legal department. Once a case is opened and approved for an attorney, it is then assigned to an attorney on staff or an attorney on the PBA referral attorney list. That attorney list currently has over 700 attorneys throughout the association's covered states. These attorneys have agreed to make themselves available when PBA contacts them regarding a member in need of legal assistance.

The PBA referral attorney list includes attorneys who have expertise in a variety of areas that may be of need by law enforcement officers, including criminal defense, civil defense, and employment matters. In most situations, these attorneys have been recommended by the PBA membership to be on the list because members have seen these attorneys in action and appreciate their skill. Very often, the attorneys on the PBA referral list are among the most respected lawyers in their communities. In addition, many of these attorneys have expressed an affinity for law enforcement officers and are happy to do what they can to assist PBA members facing serious situations arising from their performance of their jobs.

SSPBA thanks the attorneys on the referral list for their efforts and availability. These attorneys are an integral part of the benefits PBA provides its members.

ALL OPEN LEGAL CASES FOR SSPBA	
Legal Defense - Accident	38
Legal Defense - Civil	420
Legal Defense - Criminal	69
Legal Defense - Death/Injury in Custody	44
Legal Defense - Shooting	238
Disciplinary	204
Grievance	92
Legal Opinions	83
Certification	36
Pension/Retirement	3

TOTAL: 1227

As of October 31, 2016



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A LETTER FROM A PROUD PBA MEMBER

NCPBA MEMBER THANKFUL FOR THE PBA

I cannot begin to express my gratitude to PBA for all you have done for me and my family. Without your assistance, I believe there would have been a very different outcome to my case. I am truly blessed your organization was there to help me. I would like to take this opportunity to thank all the people at PBA that helped me. I know that there are many people who work behind the scenes to make your organization a success to its members. I would like to publicly say, "Thank you for all you have done for me and my family!"

My story is much like a lot of stories in state government but with a few more twists and turns. In 2008, I complained to my supervisors (one of which was second in command of our basic school) about the fact that our trainees were being mistreated in our basic school. In law enforcement training, you expect some injuries; however, the injuries sustained by the cadets were completely preventable. Some cadets were made to low crawl on hot asphalt in August causing cuts and abrasions. Other cadets were humiliated by making them suck a baby pacifier, while others were required to carry a child's sippy cup with them in the dining hall for all to see.

Four days after my complaint, a deputy director, who happened to be in charge of the training academy, opened an investigation against me. Surveillance was conducted; pictures and videos were taken of my wife, our minor children and me. I was followed for nineteen days, with as many as three supervisors at one time following my every move.

The only complaint taken against me after all those hours of surveillance was that I violated an unwritten policy of not working from home. We were not provided office space by the state in the county where assigned, so most state law enforcement agencies allowed officers to work from home. I was diagnosed with the medical condition Attention Deficit Disorder, which is a nationally recognized medical condition and protected by the Americans with Disabilities Act. My medical condition required me to have a simple accommodation of a quiet place to work for only an hour or so each day, so I could complete my work. My superiors ignored my doctor's request for the accommodation and I was terminated from my position.

It was now time for me to do something I never thought I would ever have to do. I picked up the phone and called the Southern States PBA (Police Benevolent Association). I had joined the PBA in 1994 thinking I would never need the service, but after the ordeal of the past seven years, I have come to realize the benefit of being involved in an organization that takes care of its own whether a legal battle or an officer getting injured in the line of duty. I have never regretted joining the organization and I have never missed the dues that I have paid. I would encourage other officers to join because the PBA is an organization that truly supports its members.

I cannot say enough about the attorney the PBA assigned to my case. Attorney J. Michael McGuinness was responsive to my call and set up an appointment for me within a few days. I met with and discussed the specifics of my case with John Midgett, Executive Director of the North Carolina PBA. John told me what my legal rights were and assured me that the PBA

would be there for me no matter how long it took. I had no idea it would take seven years, a trial, and a hearing in front of the Sheriff's Training and Standards Division.

After the trial, and a change in the administration, a fresh set of unbiased eyes took a look at my case. The state decided to settle my case. My termination was rescinded and I was reinstated as an ALE Special Agent. Due to the fact that I was close to retirement when this occurred, when my time was restored, I was able to retire in good standing from ALE.



The only process left after the trial was the sheriff's standards case. This case would be determined by a commission made up of current Sheriffs from throughout the state. It was hard to fool a board of experienced Sheriffs. They saw this case for what was and they found that I had done nothing wrong.

I am proud to have retired from North Carolina Alcohol Law Enforcement. The men and women that make up this agency are truly professional law enforcement officers and provide a needed service to our state. My case was perpetrated by a couple of high-level employees who by all accounts were out to defame me for speaking out against the way they had treated our cadets.

Throughout this ordeal the PBA has been there for me. I had an expert evaluation by a Forensic Psychologist who later testified at my trial. I had countless meetings and phone calls with my Attorney Mr. McGuinness. All of this was paid for by the PBA. Without the help of the PBA, I wouldn't have ever won this case. The state can throw all of its might against you expecting you to give up or run out of money, but the PBA never faltered when I needed them most. I did not have to worry about the financial burden because PBA took care of all my legal expenses. My family and I want to express how grateful we are to the Southern States PBA and its unwavering support for me during this difficult time. We would like to thank Mr. McGuinness for his guidance and endless work on my case. Mr. McGuinness and his staff went above and beyond to ensure we were prepared. I will continue to be a proud member of PBA and encourage every law enforcement officer to join as well. We never know when trouble will come for us outside or inside our agency, but rest assured the PBA will be there standing with you - even after seven years!

Thank You!
Steve Boone

FIRST WEST VIRGINIA CHAPTER FORMED AND MAKING STRIDES

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Natural Resources Chapter board members (L to R): Chris Lester, David Hylton, Stuart Simms, Tim White, Ian Sweet, Adam Kuykendall and Steve Haines

On June 25, 2016, the first official chapter of the West Virginia PBA was formed. The West Virginia Natural Resources Chapter is led by Chapter President Steve Haines and Senior Vice President Tim White. Both Haines and White worked diligently, along with PBA recruiter Jim Suttentfield, to reach the required 25 members to form a chapter. Since forming a chapter, membership totals have nearly doubled and are currently at 47 out of the 124 officers working in the region.

Haines and White have both been proud members of the SSPBA since 2013. They knew just how crucial it was to begin a PBA chapter in West Virginia. “Starting this chapter was important because our officers’ association had hit a wall whereby we had lost members and were no longer an effective group. We set out to get a chapter going so that we could qualify for the lobbying benefit,” said White. “We are looking forward to working with Virginia/West Virginia Executive Director Sean McGowan, who will be acting as our lobbyist. Many of our officers are looking forward to the opportunity and that was another large reason to get our chapter fully activated,” Haines added.

Their elected roles as chapter president and senior vice president are high honors for Haines and White. “Personally, it

is simply an honor any time your peers entrust you to represent them and their interests. Quite frankly, I think we have the best and most professional group of officers in the state of West Virginia. I’m hoping that the PBA will help us get better organized as a group and allow us to attain better wages and retirement benefits for our officers and retirees,” White said.

“I am extremely humbled to be nominated and elected as president, and it is because of our officers. We have some truly amazing law enforcement officers. I would estimate approximately 98% of our guys have a bachelor’s degree or higher. They are readily capable of thoroughly handling any type of investigation, regardless of its complexity. They can routinely adapt from a pesky roadside trash dumping case to apprehending a violent convicted felon poaching with a stolen rifle from a string of house burglaries, and they do it without skipping a beat. Our field officers are tasked with handling every single complaint they receive within their assigned county, and they do so impressively. Our officers are not readily hindered by obstacles or lack of cooperation. They adapt and use all avenues including search warrants, undercover details, surveillance, social media, and a variety of digital evidence to make their cases. It’s often very hard to investigate crimes that are committed in

remote areas, but our officers find a way to do it to protect not only our natural resources, but also, more importantly, addressing the criminal element in society. Besides being well versed, our officers are capable of mastering any environment, from a treacherous ATV trail, perilous swift water rapids, or a foot chase down a city street. In the far majority of our counties in Virginia, our officers have a stellar reputation and many are seen as pillars in their communities. So, I am extremely proud of our West Virginia Natural Resources police officers, and I am humbled they would have me as their chapter leader. I just hope I make them proud,” Haines said.

The West Virginia Natural Resources Chapter is still growing and in need of officers to serve on the membership committee. So any West Virginia officers in the region should consider joining the first West Virginia Chapter in PBA history!

In closing, Tim White said, “I would just like to say, on behalf of all our members from the West Virginia Natural Resources Police, that it is an honor to become part of a larger brotherhood of professional police officers, especially at a time when our profession has come under increased scrutiny and attacks from where we are sworn to protect.”

PBA INTERVIEW AND ENDORSEMENT PROCESS SECOND TO NONE

NORTH CAROLINA DIVISION SEES ELECTION NIGHT VICTORIES FOR SUPPORTED CANDIDATES

BY RANDY BYRD, PRESIDENT, NCPBA



State Treasurer Elect Dale Folwell with PBA members

During the primary and general election season, over 75 NCPBA members volunteered their time to conduct interviews of candidates running for statewide offices and the General Assembly.

During this process, candidates were asked to meet with a screening committee and were afforded the opportunity to talk about their background and experience. They were then asked a series of questions, and committee members graded their answers. The committee then discussed the results before making recommendations to the appropriate board for a final review and vote.

After the endorsements were finalized, the NCPBA went to work to get their candidates elected. The membership presented PAC checks, attended press conferences and campaign events, worked polls and even appeared in campaign commercials.

On election night, the NCPBA was proud to see Dale Folwell win his seat for State Treasurer and Josh Stein become the next Attorney General. Both of these candidates were running for vacated seats.



Attorney General Elect Josh Stein with PBA members

Folwell had this to say about his election victory and PBA support: “The NCPBA endorsement was instrumental to my

successful election to NC State Treasurer.

We sent out over 2.8 million pieces of mail with the PBA logo under the narrative that those that citizens trust, trust Dale Folwell for NC Treasurer. Close enough for government work doesn’t work in law enforcement and will not be accepted in the Office of State Treasurer. I can’t imagine being the keeper of the public purse without the PBA.”

According to Stein, “The PBA and I share a commitment to public safety and law enforcement, and I was proud to publicize the PBA endorsement. It made an important difference in my race. As Attorney General, I look forward to working with the PBA and its members to keep people safe.”



Representative Elect Donna White with PBA members

The NCPBA also saw endorsed candidates for numerous open seats in the General Assembly claim victory on election night. Rep. elect Donna White had the following to say about her endorsement and PBA support: “The PBA was so helpful to me during my campaign by attending events and showing their support, and it was noticed by voters in my county. During early voting, so many people would stop and take a flyer when I or my team would say that I was supported by the PBA. I will always be grateful to the wonderful organization, the PBA.”

PBAGA PRESIDENT ORIGINALLY KNOWN AS “WALMART JOE”

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



Joe Naia at the Grand Canyon

If you only know one thing about Joe Naia, know this: he loves to hike. It's in his blood and every vein. He began hiking in 2000, and “the bug got him,” as he says. When he's not out on the trail, he's working for the SSPBA as the Board Secretary and Treasurer as well as the PBAGA President. He has also been a proud PBA member for 24 years. He stays very busy with his work for the PBA, but he always finds time to enjoy the majestic beauty of nature.

There are three major trails in the United States. Joe has completed, or is in the process of completing all of them. This is no small feat. First, he completed the Appalachian Trail. This trail consists of 2,189 miles covering 14 states. Joe checked the finished box for it in 2005. In 2012, he decided to tackle the Pacific

Crest Trail. Spanning the Ansel Adams Wilderness, Joe enjoyed 2,680 miles of the west coast. The final major U.S. trail is the Continental Divide Trail. This trail spans 3,100 miles from Mexico to Canada. Joe is currently working to add this trail to his completed list. He has already worked his way up to Colorado and plans to continue his trek to the finish.

Joe began hiking 16 years ago in Georgia. “I had no idea what I was doing. Everyone called me ‘Walmart Joe’ because the only gear I had on me was a road map,” Joe Naia said. Since then, Joe has hiked 5,000 trail miles and seen some of the country's most beautiful places. “I hiked the Grand Canyon, then Bryce Canyon and also the Capitol Reef. I did a week

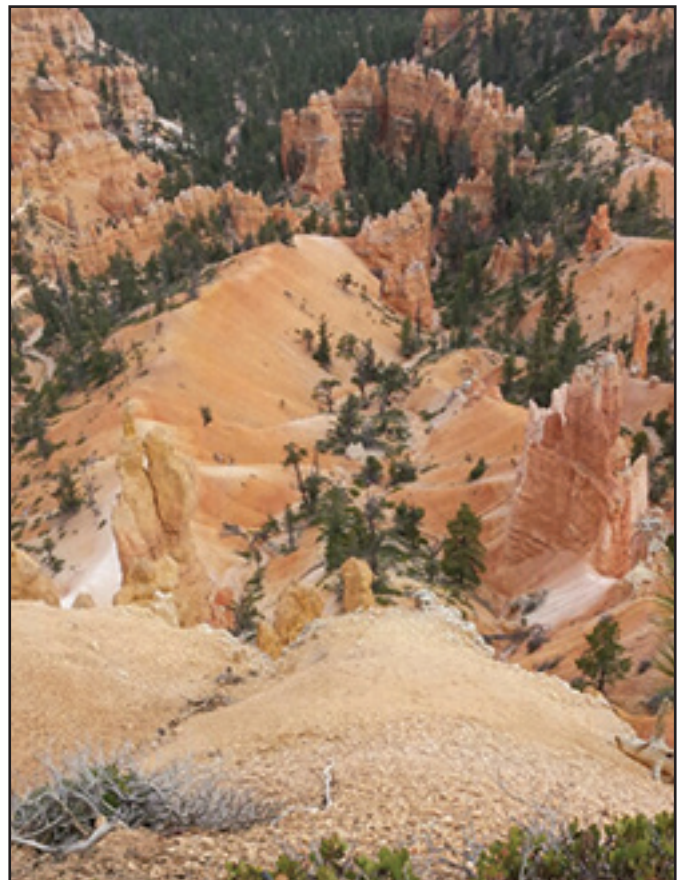
in the Ansel Adams Wilderness in Sierra Nevada. I also climbed the highest summit in the continental United States – Mount Whitney, which reaches 14, 505 feet,” Joe added.

He tries to hike as often as he can. “I usually go on hikes four or five times a year,” Joe said. He also goes to Florida around New Year's each year and takes groups hiking. “I've been doing that for about 15 years. I want people to get a good

experience and learn how to hike safely,” Joe said. “Trails are strenuous, so be well prepared. Hiking is not for everyone,” he added.

If you are a hiking newbie, Joe has a few words of advice for you. “First, be sure your equipment is durable, but also lightweight. Go to a reputable store to purchase your gear. When hiking, watch out for bears. They don't want to eat people, but they do want food. Store your food smartly and please, don't keep food in your tent. I would suggest starting on the Appalachian Trail. It is well marked,” Joe said.

So, if you're like Joe and want to try something new, maybe you should try taking a hike. You never know, you may just get the “bug!”



Bryce Canyon, Utah



Ritter Range in the Ansel Adams Wilderness



Joe Naia in the New Mexico desert



Tent site in Hemlock Bridge area of the Sierra Nevada



Ansel Adams Wilderness in Sierra Nevada



View of Mt. Katahdin at the end of the Appalachian Trail



Joe Naia hiking the Appalachian Trail in 2005. This photo was taken on the trail in Pennsylvania

NORTH CAROLINA WINSTON-SALEM TRIAD CHAPTER PRESIDENT TALKS ABOUT HIS WORK WITH THE PBA

BY DAVID ROSE, WINSTON-SALEM TRIAD CHAPTER, NCPBA

I had been a member of the PBA for my entire 21-year career with the Winston-Salem Police Department but, like many members, I felt the value of my membership was primarily in the legal and death benefits. Admittedly, the legal and death benefits are incredible and arguably the best value in our profession. Through the years the PBA had sponsored several athletic teams I coached, and I even benefitted from legal representation in an officer-involved shooting. However, I had experienced a variety of circumstances in which I felt engagement in the local political process was lacking and representation of issues facing front line police officers seemed non-existent. I followed the traditional path of thinking (and sometimes even saying) “someone should do something about this.”

When my oldest son joined the Winston-Salem Police Department (WSPD) in August 2015, the very first piece of advice I gave him was to join the PBA when their representative gave a presentation at his Rookie School. It occurred to me that my son would be facing unimaginable challenges if he remained in this profession and it was time for me to be that “someone” who pursued making meaningful changes to enhance the prospects of police officers. I knew that the WSPD had incredibly talented employees and generally good leadership for the foreseeable future or I would not have suggested that he join the department. However, the WSPD was, and is, having significant issues with recruiting and retaining quality employees due in large part to lagging pay and pay compression. The 2015-16 attrition rate was eight (8) percent and the rolling attrition rate is between twelve (12) and thirteen (13) percent. Our city has a Part 1 crime rate that is 50% higher than competing regional cities. We are having a difficult time attracting and keeping talent, and almost every exit interview indicates the primary issue is lagging pay. In fact, when compared year-over-year, many officers are \$11,000 behind the average annual pay of peers in the NC market.



David Rose (fourth from left) and PBA members with political candidate

It seemed logical that the PBA infrastructure (with over 600 local members) was the vehicle that best served what I believed needed to be accomplished. I would soon learn that I really had no idea how much work the PBA does on a daily basis to improve the lives of law enforcement officers. I learned the PBA is staffed with the most competent and professional individuals I have had the pleasure to meet in my career. Everyone from the tireless administrative department in the home office to NCPBA Division President Randy Byrd and NCPBA Executive Director John Midgette, are committed to the members of the PBA. These folks have been incredible resources and are always willing to help.

Our chapter had been dormant for several years, so I undertook the task of making it active again. Almost immediately, several members stepped up and have worked side by side with me in this endeavor. We formed our steering committee and, with the help of Carla Yandell, Jameson “Jamie” Keltner, Jason “Jake” Swaim, William “Shawn” Oliver, and Mark VanBuren, defined a direction focused on establishing a strong chapter that would be engaged locally to improve the lives of police officers. All of these members would go on to serve on the board of the Winston-Salem/Triad chapter when it was officially formed.

We officially became a chapter in May 2016 and immediately compiled a list of issues that we believe are negatively

impacting officers locally. These issues include lagging pay, eroding benefits, the lack of a complete Take-Home Car program, and procedural issues with annual evaluations. We agreed to simultaneously conduct a pay analysis and prepare for a screening process with local candidates so we could present our views to the politicians that make policy decisions in regards to these important issues.

We conducted our first screening process August 22-23, 2016. Over these two days, we screened candidates for city council, mayor, district and superior courts, the NC State Senate, and the NC House of Representatives. This was a first for many of the 11 members that sat on the panels, and we were left invigorated at the prospect that most all of the candidates appeared genuinely concerned with our issues.

The chapter has developed a core team of about a dozen members who are willing to work hard toward raising a positive and productive profile locally as well as assisting with issues at the state level. We are very close to completing the comprehensive pay analysis that clearly demonstrates our lagging pay, and we have a viable plan to implement meaningful change without increasing property taxes. As a result of our efforts, I regularly receive communications from candidates asking for our input on a variety of issues. I have had the opportunity to spend several hours with candidates discussing issues that

directly impact members since our local screening. We believe this is a step in the right direction in regards to the level of engagement we need to be productive.

As we move forward, we insist on portraying ourselves as “gruntled” employees who have identified areas where the city of Winston-Salem can do a better job of recruiting and retaining employees. Our message is that we are not bitter and we will continue to serve in this profession, but it’s time for our leaders to know that the status quo is not sustainable when it comes to keeping talent at the Winston-Salem Police Department. We truly believe we are pursuing a path to create meaningful



David Rose (third from left) and PBA members with political candidate

change for members in our chapter, and we are excited about what the future holds as we move forward.

We cannot say enough about the value of the work of all of the PBA members, PBA

leaders, and PBA personnel that have paved the way and provided a plan of action for what we know will be a proven formula for success as we move forward in this endeavor!

VICTORY A LONG TIME COMING FOR VIRGINIA DMV MEMBER

BY JONI FLETCHER, DIRECTOR OF LEGAL SERVICES, SSPBA

PBA member Anastasia Wootten, who was terminated by the Virginia Department of Motor Vehicles in 2013, was recently awarded \$183,483 in back pay and lost health insurance benefits by a jury in federal court. The jury determined that Senior Special Agent (SSA) Wootten’s termination would not have been upheld as justified, even if the commonwealth had provided the post-termination hearing to which Wootten was entitled but had been denied. A hearing is set for December 20, 2016, to determine Wootten’s possible reinstatement as well as interest and attorneys’ fees to be awarded to Wootten on top of her back pay.

PBA began its representation of Wootten in March 2013 after Wootten had been placed on pre-disciplinary leave with pay and had been told that her continued presence in the workplace may constitute negligence in regard to the agency’s duties to the public and/or other employees. This action was taken against Wootten after she was physically assaulted in a workplace restroom by an employee who had exhibited numerous unreasonable and unprofessional actions at work which were witnessed by Wootten and other employees. SSA Wootten had expressed her concerns regarding the employee’s behavior to Assistant Special Agent in Charge Robert Supinger and Special Agent in Charge David Stultz.

After Supinger and Stultz supported the investigation into Wootten’s concerns, Supinger and Stultz were terminated from the DMV as well. Supinger and Stultz are also PBA members and have current cases pending through PBA against the Virginia DMV.

“The Wootten, Supinger and Stultz cases are all extreme examples of the agency’s abuse of authority. In the past there has been no one to hold this administration accountable for their mismanagement. Thankfully all three of these law enforcement professionals are PBA members and because of that membership we have the ability to pursue these cases until fully resolved,” said VAPBA Executive Director Sean McGowan.

The Commonwealth of Virginia went to great lengths to obstruct and delay Wootten’s efforts to grieve her termination. As just one example, when Wootten was originally suspended, she filed an appeal utilizing the state’s grievance process. When she was subsequently terminated, she attempted to appeal under the Law Enforcement Procedural Guarantee Act and was denied the opportunity. The Commonwealth maintained she was required to use the state’s grievance process because she had previously elected it when appealing the suspension. According to the court, this was a denial of Wootten’s rights to procedural due process. In addition, the

Commonwealth repeatedly refused to lawfully comply with FOIA requests associated with Wootten’s case.

Wootten’s PBA attorneys Paul G. Beers and Cassie Baudean Cunningham attempted on several occasions to engage in settlement discussions with the Commonwealth, only to be repeatedly rejected as the Commonwealth insisted on only discussing settlement if the Supinger and Stultz cases were included as well.

“Justice can prove elusive and expensive for a law enforcement agent fired without cause. The cost of mounting a federal court case against a well-funded government employer often is prohibitive. PBA’s unstinting support for Agent Wootten during 3 ½ years of hard fought litigation demonstrates just how critical the benevolent association is for wrongfully discharged officers. Backed doggedly by PBA, Agent Wootten was able to secure a righteous jury verdict and a precious chance to return to her calling,” said attorney Paul Beers.

“Words cannot express my appreciation for the incredible support I received from PBA during the most difficult time of my life,” said Anastasia Wootten. “When the jury came in with the verdict in my favor, I regained my life again. I will be forever grateful for all support PBA gave me. Thank you doesn’t say enough.”



PBA HELPS CLEAR LOUISIANA OFFICER'S NAME

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA

In December 2014, PBA member and West Monroe police officer Jody Ledoux faced something no officer ever wants to face – a critical incident. An officer-involved shooting and trial was the last thing Officer Ledoux wanted, but thanks to the PBA, he was supported throughout the ordeal.

On December 5, 2014, Officer Ledoux was dispatched to a convenience store to respond to a complaint from the storeowner about a highly intoxicated individual on the premises who was confronting customers and threatening to fight. When Officer Ledoux arrived and attempted to talk to the suspect to deescalate the situation, the suspect refused to cooperate and placed his hands in his pocket. In response, Officer Ledoux was forced to draw his service weapon and order the suspect to put his hands up. Despite Officer Ledoux instructing the suspect to put his hands up multiple times while his gun was drawn, the suspect ignored Officer Ledoux's instruction, opened and began to reach into a nearby real estate newspaper bin and said, "You're going to have to shoot me, boy." Officer Ledoux still did not fire, but activated his weapon mounted light, identified a silver and black metal

object in the bin, and yelled, "Don't touch it!" several times. Unfortunately, Officer Ledoux was forced to fire when the suspect picked up the object, which he believed to be a gun – but turned out to be a cell phone. Officer Ledoux was indicted for negligent homicide as a result of the shooting. After a nearly two year long legal battle during a tumultuous time for police officers across the nation, Officer Ledoux was acquitted of the charge in October of this year.

The legal victory and clearing of Officer Ledoux's name would not have been possible without the hard work of PBA attorneys Michael DuBos and Scott Wolleson. Both attorneys have worked with the PBA for approximately 10 years. In that time, they have represented PBA members in 50 cases. Both DuBos and Wolleson have strong ties to the local law enforcement community and have a great deal of respect for the job officers do.

When asked about the case and how the PBA was able to help them work to effectively clear Ledoux's name, DuBos and Wolleson had a great deal to say. "The SSPBA was unwavering in their support for Officer Ledoux. The PBA provided substantial resources, which

allowed our trial team to successfully defend Officer Ledoux. With the PBA's support, the trial team was able to conduct significant jury research, conduct a mock trial and focus group, exclude prosecution expert witnesses, and bring the necessary defense expert witnesses to trial to testify on his behalf. In short, the PBA provided the resources necessary for the trial team to exonerate Officer Ledoux," DuBos and Wolleson said. "Throughout this long legal battle, Officer Ledoux had very much appreciated support from the local law enforcement community, as well as from the chief of police. The week after the verdict, Officer Ledoux returned from his leave of absence to work as a detective for the West Monroe Police Department. The law enforcement community also appreciated how the PBA supported Officer Ledoux throughout this ordeal. In addition, a related civil rights lawsuit filed in federal court by the suspect's family has been dismissed," DuBos and Wolleson added.

The PBA is thankful for attorneys like DuBos and Wolleson whom we can rely on to help our members in their time of need.

PBA'S LONG BATTLE OVER ALABAMA RETIREMENT COMES TO AN END

BY GRADY DUKES, PBA ATTORNEY

Back in the 2012 Blue Review, we detailed the actions the State of Alabama took to reduce benefits that members of the Retirement System of Alabama would receive. As a result of these actions, the SSPBA filed suit in an attempt to correct these actions. We knew it would be a long hard fight, with no guarantee of success.

There were lawsuits filed by different parties with different issues. After the lawsuits were merged at the trial court level, we agreed to take the lead with our case, since its results would have a great impact on the remaining issues. After much briefing and multiple hearings, the trial court judge in December 2015, ruled against the arguments of our plaintiffs and SSPBA. From the beginning, our local counsel and SSPBA knew this issue would end up before the Alabama Supreme Court; this



was of great concern to us knowing the apparent mindset of the court. However, after reviewing the trial court order, we were left with little option and filed an appeal with the State Supreme Court. In September of 2016, the Alabama Supreme Court, like the trial court, ignored precedent and logic, and upheld the denial of the SSPBA's Motion for Summary Judgement. The courts decided

to say being vested really is not important anymore.

Between the court's action and the legislative changes made in the Alabama statutes, subsistence pay no longer counts toward retirement, and the term "earnable compensation for retirement purposes" shall include overtime payments that are made to an employee; however, earnable compensation shall not exceed 125% of any employees' annual base compensation as certified by the employer.

This loss was a battle in a continuous war that the SSPBA fights at different levels on a daily basis to maintain your benefits and even your personal freedom.

We wish to thank those individual members who were willing to be individually named plaintiffs and stand up and fight with us.

LONG-TIME PBA MEMBER NAMED OFFICER OF THE YEAR

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA

Officer Jim Davison has been a proud member of the PBA for 22 years. He has worked in law enforcement for 25 years and recently joined the Community Outreach Unit with his department. Since then, he has worked tirelessly to make strong connections and bring joy to the LaGrange, Ga. community. His efforts paid off, and he was named the LaGrange Optimist Club's Officer of the Year on July 11, 2016.

The Optimist Club is an international organization that works to "bring out the best in kids" and do their part through community service initiatives. Officer Davison spoke of the award and said, "It is an honor and a career highlight, signifying that I am doing work that is impacting someone in our agency, and/or my community in a positive way, causing me to stand out above the rest. It makes me proud."

Officer Davison is a role model for other officers through his work in the



community. Outside of work, he enjoys spending time with his wife and two boys. He also enjoys taking trips to the

beach, boating, watersports, soccer and music.

When asked what led him to become a police officer, Officer Davison replied, "I wanted to serve and make a difference in this world. I also saw law enforcement as an honorable profession, comprised of people that I looked up to and aspired to be like." Officer Davison went on to say, "The rewards of being a police officer include the positive impact that we have on others' lives, by helping, changing, directing, empowering, training and influencing society in a positive way. Friendships and a brotherhood come with being a police officer and a PBA member, and they are as valuable as anything in life. In addition, being a member of the PBA gives me security in knowing that someone has my back, if needed. I appreciate the fact that I can pick up the phone with a legal question and have an answer in a very quick and timely manner."

WEST CENTRAL CHAPTER OF PBAGA HOSTS COMMUNITY-BUILDING EVENT

BY KAYLAN STOREY, PUBLIC RELATIONS COORDINATOR, SSPBA



PBA members speaking with the media about the event

Given the current state of our law enforcement community and the nation, emotions have been strained. West Central Chapter President Joyce Dent-Fitzpatrick wanted to help rebuild the bond between law enforcement and the community. She dreamed up the event called “Blue Lights and the CommUNITY,” and put the plan into action.

“The idea came to me one day in church. It was in July of this year, after the murder of five Dallas, Tx. police officers. I saw our nation hurting and people asking why. I prayed and asked God for guidance. He told me to do something. I didn’t think I could do anything about how people felt about each other (law enforcement/community), but I emailed PBA Staff Representative Patrick Cullinan and PBAGA Executive Director Joe Stiles to see how they felt about our chapter doing something to help bring the community together. They both agreed it was a good idea,” Dent-Fitzpatrick said. “It is important that we (law enforcement) and the community work together to resolve any perceived issues, real or imagined, so that we can

have a cohesive working relationship. I am tired of the Us vs. Them mentality. We are all one and need one another,” Dent-Fitzpatrick added.

The event consisted of a tribute video to law enforcement and community supporters. Several law enforcement speakers also took the time to speak to the crowd.

Blue Lights and the CommUNITY was a great success and included several community leaders in attendance. The Columbus, Ga. mayor, police chief, sheriff, marshal, representatives from Columbus State University, law enforcement, church congregations, volunteers and city council members all came together to show their support. “It was a very emotional event, and the comments were very encouraging. The community support was overwhelming. We absolutely plan on this being an annual event,” Dent-Fitzpatrick said.

Regarding the event, Dent-Fitzpatrick said, “Personally, I believe the mission was accomplished. We brought the community together with law enforcement. I want to thank our board members for doing a great job and making this a success. Thank you to Councilman Bruce Huff for donating the cake for the event. Thank you to PBA Staff Representative Patrick Cullinan for speaking. Thank you to PBAGA Executive Director Joe Stiles. He is such an inspiration!”

The PBAGA would like to thank Joyce for her dedication and hard work. Blue Lights and the CommUNITY accomplished its goal and started to bridge the gap between law enforcement and the community.



RANKIN DEPUTY REUNITED WITH TEEN HE SAVED IN 2015 ACCIDENT

BY THERESE APEL, THE CLARION-LEDGER, MAY 10, 2016

Rankin County deputy Tyson Burleson can still remember all the details of the wreck in which he met Tavion “Tay” Grau.

Tavion, 15, was one of two teens injured when their ATV was hit by a truck last May. Burleson, a Marine with two tours in Iraq, acted quickly when he saw how badly injured Tavion was, and put a tourniquet on his leg, which was nearly amputated at the time. Tavion, who was rapidly losing blood and in shock at the scene, ended up losing his right leg, but not his life.

Burleson watched AirCare take Tavion away. At the hospital, he eventually met with Tavion’s mother Kelli Grau, who told him her fear that her son, a gifted basketball player, would never take the court again.

The two prayed together, then the deputy went on his way. He didn’t know if he would ever see either of them again.

On Sunday, Burleson responded to a call and happened across four teenagers playing basketball in the road. He had known that Tavion lived in that neighborhood, because at the time of the accident someone had given his address. He had even looked for him there from time to time.

“As I drove by, something caught my eye,” Burleson said in a Facebook post. “One of them walked out of the way with a small limp. I looked at him to see if he was hurt and I noticed his prosthetic leg. That was when I looked at his face and realized who it was.”

Burleson said he hit the brakes immediately. Throwing his door open, he got out of his cruiser with a big smile on his face.

“They kinda looked at me like, ‘Uh-oh, what did we do,’” Burleson said with a laugh. “But I think he kinda knew I was there when it happened. I said, ‘Your name has to be Tavion. Man, you don’t know how happy this makes me. God has

truly been looking out for you.’”

Tavion’s mother, Kelli Grau, came upon her son and the deputy talking. She said her son did in fact recognize Burleson when he first saw him.

“Seeing them together, that was the best day,” Grau said.

Medics told Grau that Burleson’s quick thinking last May 23rd essentially saved Tavion’s life.



Rankin County deputy Tyson Burleson and Tavion “Tay” Grau

“I owe that man everything,” Grau said, her voice becoming emotional. “I really do. He is just the best. I don’t think we’ll lose touch again.”

Burleson said he was amazed not only to see Tavion up and about, but that he was playing basketball.

“He is really, really good. He’d shoot that ball and it would be nothing but air, he didn’t even use the backboard,” Burleson said.

Grau and her 20 year old son Toraz Westbrook took care of Tavion while he recovered. Grau, who works at Waffle

House on Pearson Road, took off for as long as she could, and then Westbrook stepped up to watch out for his little brother. Now her son, who still plays on the Florence High basketball team, comes home from school and shoots hoops until dark.

“Eleven months ago we would have never thought that he would be doing like he’s doing. He’s been nonstop. He did therapy for two months, and ever since the accident he’s been exercising, lifting weights, doing pushups,” Grau said.

She said the accident didn’t stop her son’s belief in his dreams.

“His confidence, you have no idea. This boy, he thinks he can conquer the world, and I do too,” she said. “His dad didn’t want him to play basketball, but I said I’m not stealing his dream. Nobody’s going to take that from him.”

Burleson said as he stood with Tavion, he was “starstruck” at the miraculous difference since the last time he saw him.

“Usually, in our line of work, we see people on their worst days, and sometimes we’re not there to make it better. It’s one of those jobs, it’s not thankless, but you don’t always get to see the productivity of the work,” Burleson said. “But this, I could put my finger on it. Basically it was just me looking at him starstruck almost. It was amazing, 11 months after an accident, walking, and playing basketball of all things.”

Grau agreed that her son is amazing. She said he’s one of those people, “you just know somebody’s going somewhere.”

“Look out, because he’s coming,” she said.

“I would have challenged him to a game of horse, but watching him play, I wouldn’t have had a chance,” Burleson said.

10TH ANNUAL GEORGE ALMOND OFFICER OF THE YEAR BANQUET

BY ZILLA WILLOUGHBY, PARALEGAL, MCGUINNESS LAW FIRM

The North Carolina Police Benevolent Association held its annual George Almond Officer of the year banquet on February 20, 2016.

An auction was held before the program to raise funds for the Police Benevolent Foundation. The Police Benevolent Foundation supports officers' families; provides scholarships for children of officers; provides disaster relief for officers that are displaced because of natural disasters; supports the Behind the Badge Series that educates officers and communities about the critical efforts to save officers lives that may be contemplating suicide. Amanda Lamb served as the Master of Ceremonies. Amanda Lamb has spent more than two decades with WRAL-TV as crime reporter. She is also the author of eight books. She has written three true crime books based on murder cases she has covered for television including *Love Lies*, *Evil Next Door* and *Deadly Dose*. Amanda has also written humorous and inspirational memoirs including *The Living Room*, *I Love You to God and Back*, *Girls Gone Child* and *Smotherhood*. Every Monday her musings about parenting are posted on WRAL.com's *Go Ask Mom* blog.

She attended Northwestern where she received her Master's Degree in Journalism. She received her undergraduate degree from Duke University. Originally from the Philadelphia area, she is now proud to call North Carolina home.

Dr. Bill Lewinski appeared as the keynote speaker. Dr. Lewinski is one of the world's leading behavioral scientists whose work has focused primarily on the study of the human dynamics involved in high stress, life-threatening encounters. He has a Ph.D. in Police Psychology and is a professor emeritus of law enforcement at Minnesota State University where he taught for more than 28 years. Dr. Lewinski serves as the Director at the Force Science Institute, which is a research, consulting and training organization focused primarily

on human behavior in use-of-force situations.

GEORGE ALMOND OFFICER OF THE YEAR AWARD

The Cary Chapter Board, in its first year, chose to sponsor the 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. For the 10th annual award, the Wake County Chapter and the Raleigh Chapter were included to represent the achievements of officers throughout Wake County.

During the awards banquet, Master Deputy Christopher Brannan was named the 'George Almond' Officer of The Year. The other finalists were as follows: Corporal John T. Reeves II with the Cary Police Department, Master Deputy Jeremy Evans of the Wake County Sheriff's Office, Senior Officer Daniel

Hicks of the Raleigh Police Department, and First Class Deputy Guy Douglass Pagliolo II of the Wake County Sheriff's Department.

GEORGE ALMOND OFFICER OF THE YEAR AWARD PRESENTED TO MASTER DEPUTY CHRISTOPHER BRANNAN

The winner of the George Almond award goes to Christopher Brannan. Christopher Brannan is a hard-working, dedicated deputy, son, husband and father. He was born in Raleigh, NC to Dennis and Linda Brannan and was raised in Zebulon, NC. He attended East Wake High School where he graduated from the first graduating class of the School of Health Science in 2007. After graduating high school, he began working days at Nomacorc in Zebulon. At night, he attended Basic Law Enforcement Training at Nash Community College where he graduated as a Squad Leader in early 2009.

After completing BLET, he was hired by Rolesville Police Department where he worked for one year as a Police Officer



George Almond with Master Deputy Christopher Brannan
(2016 Wayne McGee Photography LLC)

and it was during this time that he knew he wanted to be a Police K9 Handler.

In May 2010, Christopher met the love of his life Lyndsay Feller, whom he now calls his wife and the mother of his two beautiful boys, Zachary and Andrew.

Christopher then transitioned from the Rolesville Police Department to the Wake County Sheriff's Office in July 2010. He started his career with the Wake County Sheriff's Office by working in the Judicial-Courthouse Operations division and was transferred to the Patrol division in the Fall of 2011. In January 2014, he was promoted from a Patrol Deputy to a Special Operations K9 Handler where he is currently working with his K9 partner, Conan. In their two years of working together, Christopher and Conan (a six year old German Shepherd) have tracked suspects, dementia patients, juveniles and located narcotics and evidences of crimes.

Recently, he successfully completed North Carolina General Instructor School and became certified to teach Law Enforcement classes. He is currently in the Investigator Process where he hopes to continue to grow as a Deputy at the Wake County Sheriff's Office. Deputy Brannan was recognized for his exemplary efforts as a K9 handler and for saving a man's life that was attempting to kill himself. Deputy Brannon is the youngest K9 handler in the agency and is paired with his 6-year-old partner; Conan. During 2015, they had numerous successful tracks including suspect apprehensions. They also located multiple articles that were involved in crimes. As part of their duties, they have assisted the agencies Special Response Team and Drugs and Vice team with removing large quantities of narcotics from the streets. In addition to these efforts, Deputy Brannan and Conan were recognized by Chief Deck-Brown of the Raleigh Police Department for their outstanding work and professionalism in a homicide case. One of the incidents that Deputy Brannon responded to started out as a suspicious person and turned into a mental health call. A man was straddling an overpass bridge and was threatening to jump. Deputy Brannon was the first to arrive on the scene and approached the man at a safe distance and began to talk to him. He then asked the man if he wanted to use

his cell phone to call his wife to which he agreed. Deputy Brannan told the man that he was not going to get close to the edge of the bridge and that he needed to reach out for the cell phone. The man agreed. As both of them extended their hands the man pulled his arm back and attempted to jump over the bridge. Deputy Brannan was able to grab his hand and pull him back and with the help of other officers that had arrived they were able to safely secure the man and get him the proper assistance he needed.

FINALIST FOR THE GEORGE ALMOND AWARD

Corporal John T. Reeves II

John was born and raised in New Jersey and is the oldest child in a family of five. After finishing high school, he attended Liberty University in Lynchburg VA. This began his descent into southern living.

After graduating with a degree in Administration of Justice, he was hired by the City of Charleston, SC as part of a new federally funded program called the POLICE CORPS. Because the program was brand new, there was only one up and running Academy on the East Coast. At that time, Charleston PD was the only agency participating in the program. It so happened that the agency hosting the inaugural Police Corps academy was Baltimore MD. Charleston PD bussed up 15 new recruits to join 45 Baltimore recruits for a joint class. At the completion of the Academy, John was a certified Police Officer for the State of Maryland.

Upon returning to Charleston, he and the rest of his group attended the SC criminal justice academy in order to become certified in SC. He started on the road in late 1997. During his tenure at the Charleston Police Department, John was promoted and served as a Patrol Sergeant, and a Street Crimes Unit Sergeant. Additionally, John was on the SWAT Team for 10 years, finishing his last year as the Team Leader.

In 2008, John's first wife passed away from a brain tumor, leaving him a single dad, and on a course for a new and unexpected life journey.

In 2009, John reconnected with a childhood friend, Monica, who had lost her husband in a car accident in 2007. After dating for about two months, they got married, and the rest is history! At that point they made the decision to move to Raleigh. John started with the Cary Police Department in 2010. His assignments have included patrol, community services and his current assignment as a Corporal in Field Operations.

John and Monica have four children. Judah - 14, Lyla Grace-5, Jackson-3 Gideon Trey (GT) - 1.

After several years of reading the scriptures, they came to the conclusion that it was their responsibility as Christians to be a part of the solution in helping kids without a home or family. John and Monica became licensed foster parents in Wake County. Earlier this year, two young brothers came up for adoption through Wake County. John and Monica accepted the challenge, and in a few short months, Jackson and Gideon will officially become their adoptive children.

Corporal Reeves was recognized for his efforts in apprehending a kidnapping suspect and saving a man who attempted to take his own life. In April of last year, area law enforcement received a "be on the lookout notice" from the Raleigh Police Department about a tractor-trailer involved in a kidnapping situation. The victim had fled her captor and had called 911. Corporal Reeves took the initiative to check the Airport/Aviation Boulevard areas, as they are known to be a high traffic area for truckers. He located a vehicle that met the description put out by Raleigh PD. Corporal Reeves followed the vehicle, but by the time it was confirmed that this was in fact the suspect, it was well out of Cary jurisdiction on I-40 West. He continued to follow the vehicle, relaying location and all pertinent information to Cary dispatch, Raleigh dispatch, and NCSHP. He also coordinated multiple agencies' responses on a radio "patch" to ensure officers with jurisdiction were in place to initiate a stop. Corporal Reeves followed the vehicle all the way to Mebane, NC where Mebane PD and the North Carolina Highway Patrol were able to initiate a traffic stop and take the suspect into

custody. The suspect had held a captive in the truck for three days. Were it not for Corporal Reeve's initiative, the suspect may not have been captured. In June of last year, Corporal Reeves also led his team's response in saving the life of a man who was attempting to take his life by slashing his wrists with a butcher knife in his apartment. He was able to take a tactical position and talk the man out of using the knife and assured him that he would be safe. Because of Corporal Reeve's dialogue, the man surrendered his knife and went willingly and peacefully to a waiting ambulance for help.

Master Deputy Jeremy Evans

Jeremy was born in Raleigh, N.C. and currently resides in Garner, N.C. His parents are Wade and Brenda Evans. He has a brother, Jason Evans and a sister, Julie Evans.

Jeremy has worked eight years with the Wake county Sheriff's Office. He was hired in October of 2007 after graduating from the agency's 18th Academy. Jeremy was selected as the class president. He has served in the judicial division as a School Resource Officer at Centennial Middle School and in the Patrol Division where he currently is assigned. He is a Field Training Officer and Crisis Intervention Team Officer.

Jeremy enjoys spending his free time with his niece, Bailey and nephew, Preston fishing, riding ATV's and doing outdoor activities.

Deputy Evans was recognized for this efforts in saving the life of a woman who was trapped in a burning vehicle. In November of last year, Deputy Evans heard a broadcast come over the emergency radio given by 911 communications stating that a female driver who was said to be intoxicated was traveling the wrong way. At that time Deputy Evans was on his way home to end his tour of duty. Deputy Evans made a decision to delay his plan to go home. The last information given to Deputy Evans from 911 communications was that the vehicle was traveling east in the northbound lane. At that time, Deputy Evans began his efforts to locate the driver and vehicle in question. Prior to Deputy Evans locating the vehicle, the intoxicated driver hit another vehicle head on. Due to the impact of the collision, it caused the victim to become pinned inside of her vehicle suffering two broken ankles in the process. Seconds later, Deputy Evans arrived on scene along with another deputy to begin the rescue process. During that time, the victim's vehicle caught fire and began to spread rapidly while the victim was still inside. Deputy Evans retrieved his

fire extinguisher and began tackling the fire. The fire extinguisher could not keep up due to the flames and intense heat that began to spread. At that time, Deputy Evans attempted to extract the female out of the vehicle by breaking windows utilizing his ASP baton. Deputy Evans was unsuccessful in breaking the passenger window so he then moved to the front windshield. At this point, Deputy Evans was able to extract the victim out of the vehicle through the front windshield. His efforts saved the woman's life.

Senior Officer Daniel Hicks

Daniel was born in Escondido, California. Daniel's parents are Retired Commander Jeffrey Hicks, USN and Susan Hicks. Daniel was raised around the country due to his father's service with the United States Navy.

Daniels received his B.S. in Sports Management from George Mason University.

Daniel attended Raleigh Police Academy and graduated in 2009. He served as his class president.

Daniel is married to Erin Hicks and has two children, Embry Hicks and Callen Hicks.

Daniels served in Field Operations, Southwest District from 2009 to 2015. He currently serves as Academy Staff Instructor with Raleigh Police Training Center and the Raleigh Police Department Honor Guard.

Daniel has specialized training in general instruction, crash reconstructionist, advanced DWI certifications and has received numerous other specialty certifications.

Officer Hicks was recognized for saving a man's life last September. Officer Hicks had completed his shift and was at the station completing paperwork before going home. While at the station, he heard a call go out about a man sitting on the bridge railing of Wade Avenue and Interstate 440. Officer Hicks knew the interchange was close to the station and went to see if he could assist. Officer Hicks was the first officer to arrive and began to build a rapport with the



*Lauren Muir singing National Anthem as Honor Guard presents the colors
(2016 Wayne McGee Photography LLC)*

individual while other responding officers stopped traffic for everyone's safety. After a few minutes of speaking with this subject, Officer Hicks was able to persuade the man to climb back over the railing for safety. Once the threat of the man jumping over the bridge was over, Officer Hicks humanized the badge and the two men hugged on the bridge. The subject was taken to a nearby hospital for treatment. Officer Hicks arrived home late from work that night and when asked by his wife why he was late, Officer Hicks replied that he had a "late call". Unbeknownst to Officer Hicks, the "late call" was captured by a NCDOT camera and was shown on the local news and soon went viral to be shown on the national news.

First Class Deputy Guy Pagliolo II

Guy Douglas Pagliolo II was born January 11, 1982 in Cherry Point, North Carolina. Raised in a military family, Doug and his five siblings (Tonya, Sonya, Kimberly, Ronnie and Clinton) moved to Hinesville, Georgia after his father retired from the Marine Corps.

Doug graduated high school the year 2000 and immediately joined the U.S. Marine Corps at the age of 17. Doug attended basic training at Paris Island, South Carolina and was meritoriously promoted to private first class upon graduating basic training for his leadership and marksmanship throughout basic training.

After graduating basic training, Doug was stationed at Camp Lejeune where he was assigned to a military police corrections unit. Upon arriving to Camp Lejeune, Doug immediately began planning his future by attending college at American Military University. While working full time and attending college part time, Doug applied to the US State Department (Marine Corps Embassy Guard Program) and after a thorough selection process, was chosen to attend Embassy Guard school in Quantico, Virginia January 2003.

Doug graduated from Embassy Guard School in May 2003; he was assigned to American Embassy Tbilisi, Republic of Georgia. While serving in Republic of

Georgia, Doug was afforded the opportunity to serve on the Secretary of State, Colin Powell's security detail.

In July 2004, Doug was transferred to American Embassy Bridgetown, Barbados where he would remain until September 2005 when he finished his military contract obligation. After separating from the military, Doug began contracting for Blackwater USA overseas providing dignitary protection as well as serving on personal security details in Afghanistan and Pakistan. Doug worked as a contractor for several years before he was able to finish his Degree in Criminal Justice and Homeland Security and decided to pursue a career in Law Enforcement.

Doug moved from his home base in Hinesville, Georgia to Raleigh, North Carolina. In October 2011, Doug was contacted by the Wake County Sheriff's Office for a position as Deputy Sheriff and started his law enforcement career. After graduating Basic Law Enforcement Training, Doug was assigned to the Judicial Division. Doug was in the courthouse for approximately 7 months before he was assigned to Patrol Division, which is his current assignment.

Doug currently resides in Knightdale, North Carolina with his wife Hilary Herman Pagliolo and his son Nicholas Crew Pagliolo.

Deputy Pagliolo was recognized for his extraordinary efforts in saving a small child's life in 2015. In May of last year, Deputy Pagliolo responded to a drowning prior to EMS arriving on the scene. The small child was lying on the ground unconscious and not breathing. Deputy Pagliolo performed CPR and resuscitated her. EMS arrived on scene and took over medical efforts. The child lost consciousness, but EMS was able to stabilize her. She was transported to Wake Medical Pediatrics for further evaluation. Prior to leaving the hospital, the little girl was talking and spending time with



*Keynote Speaker - Dr. Bill Lewinski
(2016 Wayne McGee Photography LLC)*

her parents. If not for Deputy Pagliolo's actions the young girl would not be here today. In August, Deputy Pagliolo was also involved in two vehicle pursuits involving drunk drivers where his actions led to the arrest of suspects and the prevention of injuries to deputies and citizens. In one pursuit, Deputy Pagliolo was in eastern Wake County when the Zebulon Police Department requested assistance. Deputy Pagliolo took over as the primary vehicle in the pursuit and pursued the vehicle into Franklin County and later into Youngsville. The suspect began ramming his vehicle into several Franklin County and Wake County Sheriff's Office vehicles in an attempt to get away. Deputy Pagliolo's vehicle was struck on the front passenger side but was still drivable. He was able to use his vehicle to disable the suspect's vehicle and bring the pursuit to an end and successfully apprehend the suspect.

In another pursuit, Deputy Pagliolo was able to perform a driving maneuver that disabled the vehicle and prevented the suspect from crashing into innocent bystanders and causing injury or death.

HUNTER V. MOCKSVILLE: OFFICER REPORTS OF PERCEIVED MISCONDUCT ARE PROTECTED EXPRESSION BUT LEGISLATION IS NECESSARY TO MAKE PROTECTION MORE UNIFORM

BY ATTORNEY J. MICHAEL MCGUINNESS, THE MCGUINNESS LAW FIRM

Law enforcement officers are increasingly being subjected to retaliation for a broad range of expression and activities. Historically, many in police management believed that officers “cannot criticize the police brass.” However, officers are supposed to communicate their observations of possible misconduct. Officers are not supposed to suffer retaliation for simply communicating their observations about perceived misconduct.

A recent North Carolina case highlights the need for legislation to clarify this area of law. Officers in Mocksville, North Carolina brought a federal First Amendment challenge to the terminations following their whistleblowing about perceived corruption. The jury awarded a verdict of \$4,063,942.00. Post trial motions were filed seeking to reduce the verdict. The trial court issued a post-verdict order awarding front pay of \$193,676.00 for Hunter, \$85,360.00 for Medlin, and \$89,063.00 for Donathan. Other motions are pending. A heavy price has to be paid.

Three police officers in Mocksville were all fired on the same day, December 29, 2011, due to their protected conduct in communicating about problems in their Department. This case, along with many others like it, reaffirms the need for both state and federal legislation to protect police officers who report perceived misconduct. Although these officers prevailed in getting their case to trial before a jury, legislation is needed to clarify the law and ensure whistleblowing protection is available for all officers.

The official decision of the U.S. Court of Appeals for the Fourth Circuit recently reported this case as follows based upon the evidence offered by Plaintiffs in the summary judgment motion before the Court: Kenneth L. Hunter (“Hunter”), Rick A. Donathan (“Donathan”), and Jerry D. Medlin (“Medlin”), served as police officers with the Mocksville Police Department. Hunter, an assistant chief, had worked for the Mocksville PD since

1985; Donathan, a lieutenant, had been with the Mocksville PD since 1998; and Medlin had served as an officer since 2006. All three had distinguished careers with the Mocksville PD, receiving honors and promotions throughout their tenures.

Defendant Robert W. Cook (“Cook”) joined the Mocksville PD as police chief in 2005. Over time, plaintiffs became concerned about Cook’s behavior and leadership. For example, plaintiffs indicated that they saw Cook drink alcohol publicly, excessively, and while in uniform and feared that it reflected poorly on the Mocksville PD. Plaintiffs also believed that Cook violated the law by driving a police car with blue flashing lights and behaving as if he were a certified law enforcement officer when, in reality, he had never been certified and was only an “administrative” chief. Plaintiffs suspected that Cook and his ally and deputy chief, Daniel Matthews, were together mismanaging Mocksville PD and other public funds and even using those funds for personal gain. Plaintiffs perceived racial discrimination at the Mocksville Police Department. Plaintiffs also believed that Cook “fixed” tickets for his friends.

Plaintiffs independently raised such concerns about Cook with Mocksville Town Manager, Defendant Christine W. Bralley (“Bralley”). Yet they noticed no improvement after reporting their concerns to Bralley and instead perceived reasons to worry about retaliation. Donathan, for example, raised his concerns with Bralley and was soon thereafter criticized by Matthews about a concern he had raised with Bralley. And a month after Medlin sent Bralley a sealed letter detailing concerns about the Mocksville PD, Cook demoted him. That demotion was ultimately reversed.

In November 2011, the situation at the Mocksville PD escalated. Cook reorganized the department, elevating Matthews to second-in-command and stripping Hunter, one of only two African-Americans at the Mocksville PD,

of his supervisory responsibilities. Hunter filed a grievance about his demotion, but his grievance, and concerns, were dismissed. Donathan, on the other hand, was invited to Cook’s home, instructed to “adhere to the ‘politics’ of the MPD,” and promoted to lieutenant.

In early December 2011, five Mocksville PD officers, including all three plaintiffs, met privately to discuss their concerns about Cook and his ally Matthews. At that meeting, plaintiffs decided to seek an investigation by an outside agency into corruption at the Mocksville PD. According to Hunter, plaintiffs made this decision because they felt, “as citizens of the community, that Mocksville deserved an effective police force that served everyone equally” and not because they felt it was “part of our job duties.”

Plaintiffs set up a meeting with local representatives of the National Association for the Advancement of Colored People (“NAACP”), who, after hearing plaintiffs’ concerns, advised them to contact a state agency. Accordingly, plaintiffs decided to contact the North Carolina Attorney General. Hunter had his “daughter purchase a disposable phone at Wal-Mart that could be used to report our citizen complaints separately from our affiliation with the MPD.”

On December 14, 2011, plaintiffs got together and used the disposable phone to call the Attorney General’s Office. The Attorney General, however, referred plaintiffs to local authorities who were closely aligned with Cook and whom plaintiffs therefore felt they could not contact. Plaintiffs then called the North Carolina Governor’s Office, again using the disposable phone. Without identifying either themselves or the Mocksville PD, Plaintiffs conveyed some of their concerns, including their suspicions that Cook embezzled funds, had a drinking problem, and masqueraded as a certified officer with powers to, for example, use blue lights and pull people over even though he was only an administrative chief without the authority to do so. The

Governor's Office representative asked for a telephone number at which someone could return the call, and plaintiffs gave the number for the disposable phone.

Later that day, someone else from the Governor's Office called the disposable phone. Donathan answered the call, spoke to the representative, and identified the Mocksville PD to the representative. The Governor's Office representative offered to request that the State Bureau of Investigation ("SBI") investigate the Mocksville PD.

The next week, Medlin saw the local SBI Agent, D.J. Smith, at the Mocksville PD offices. Plaintiffs knew that Smith had a close relationship with both Cook and Matthews. Medlin saw Smith show Matthews a piece of paper and saw the two men look for Cook. On December 22, 2011, Plaintiffs received a message from Smith, who called the disposable phone. Smith left a message identifying himself and stating that he was following up on the request for an investigation. Plaintiffs did not return the call because "we did not trust any local authorities in investigating our concerns because of Chief Cook's influence" and thus "disposed of the phone for fear that Chief Cook may search the police department and find it."

As it turned out, the phone was nevertheless "found." Smith contacted the Davie County Sheriff's Office, the county in which Mocksville is located, and asked an officer there to check whether the phone number used to make that complaint belonged to anyone at the Sheriff's Office. The Sheriff's Department officer contacted the Mocksville PD and asked an officer there to run the number through Mocksville PD records. The officer also called the disposable phone himself - though Plaintiffs did not pick up.

On December 27, 2011, Bralley contacted Sprint customer service to set up an online account, explaining that she wanted to check call records for a specific telephone number. The Sprint invoice issued that same day for the billing period ending December 23, 2011 included phone calls to the disposable phone's number. Both Donathan and Medlin had placed calls to and received calls from the

disposable phone using their Mocksville PD-issued mobile phones.

On December 29, 2011, Chief Cook fired all three plaintiffs. This was the first time Cook had fired anyone during his tenure as the Mocksville PD chief. Officer misbehavior—including illegal drug use and even criminal activity—had previously occurred. But the officers in those cases received lesser punishments or were allowed to voluntarily resign rather than be fired.

All three plaintiffs received similar termination letters that gave performance justifications such as "[i]nsubordination," "[a]ttitude," "[r]umored [f]alse [d]eter mental [sic] [i]nformation," and "other conduct unbecoming an Officer." Plaintiffs had been given no notice of these performance issues before they were fired. In an after-the-fact memo to the town attorney, Cook expressly mentioned Plaintiffs' telephone call to the Governor and SBI, claiming Plaintiffs "conspire[d]" to discredit him, Bralley, and others in calls to "SBI and Governor with false information"—information Cook claimed "[t]he SBI and DA have determined ... to be slanderous and false." Around the time Cook fired Plaintiffs, Cook called the local district attorney and told him that "you can't have people in-house that are continually undercutting you and causing trouble."

Analysis and Conclusion

The defendants initially tried to have the case dismissed. The court denied defendants' motion for summary judgment and defendants appealed. The U.S. Court of Appeals affirmed and ruled in favor of the officers. Judge James Wynn of North Carolina authored the decision. The Fourth Circuit's reasoning was that it was clearly established that speech about serious misconduct in a law enforcement agency is protected. The case was sent back for trial.

While this decision makes great sense, a case from the U.S. Supreme Court a few years ago muddied the waters. In *Garcetti v. Ceballos*, 547 U.S. 40 (2006), the Supreme Court addressed a case involving a whistleblowing prosecutor. There, the court carved out new and

difficult standards for constitutional expression cases. The *Garcetti* case added a hurdle that in order for speech to be protected, that the speech has to be in the context of a speaking citizen as opposed to a speaking employee. This "status" test for speech protection has created much confusion.

In police cases, it is often unclear as to precisely what if any particular status the officer was in at the time of the speech. Was it citizen speech, or speech as an officer compelled by his or her duties of office? Under *Garcetti*, if an officer had a duty to speak, then the speech is without protection. However, that is hardly a sensible or workable solution. The Supreme Court needs to clarify the muddled mess from *Garcetti*. In the meantime, legislators need to address these problems.

In *Hunter*, reports of possible misconduct to the Governor by police officers was ruled to be protected expression. That's a good start. But legislation is needed to clarify the law and to ensure that all forms of legitimate whistleblowing are protected. Current First Amendment cases are controlled by the muddled analysis by the Supreme Court in *Garcetti*.

The current federal constitutional case law is a checkerboard where some officers are protected and others are not, depending upon academic nuances in the law about their "status" when speaking. In the last few years, the Fourth Circuit Court of Appeals has been more officer friendly. Many new judges on the court well understand the dangers and damages from retaliation against officers. In our current climate, we cannot expect better First Amendment law from the Supreme Court. A chill wind will blow. But even if so, we still need legislation to ensure uniform protection for whistleblowing.

A simple whistleblower bill affording a framework of protection for police officers in all contexts would improve and enhance officer safety and the rule of law. When officers observe possible misconduct, they should report it – and they should surely be protected for such reports regardless of the academic niceties of their status. Being a police officer is status enough to be free of retaliation.

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