



A publication of the Southern States PBA

BLUE REVIEW

AN IN-DEPTH LOOK AT THE PBA, ISSUE 15

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AS NOTHING SHORT OF A
MIRACLE, p. 21**

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A SHOOTING OR AN ACCIDENT...
NO ONE LIKES TO THINK ABOUT IT!

CRIME SCENE DO NOT CROSS

IF IT HAPPENS TO YOU:

- Don't panic! Calm down and compose yourself.
- Don't rush into making a statement.
- Call the PBA Hotline: 1-800-233-3506.
- The PBA will provide you with an attorney prior to making a statement - either on the scene or wherever needed.
- Wait until you talk to a PBA attorney before making any statements, oral or written, unless you have been given a direct order to do so.

As a PBA member, you're not alone.
The PBA is there to protect your rights.





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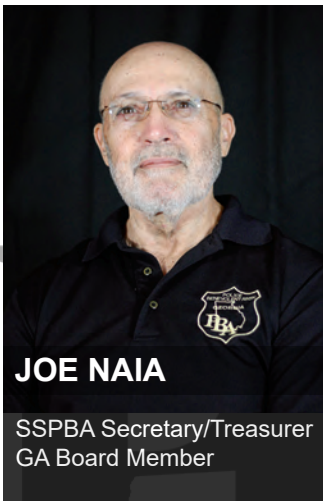
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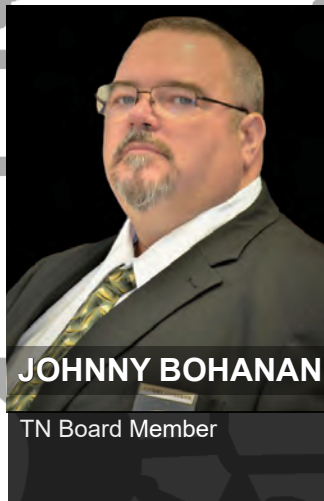
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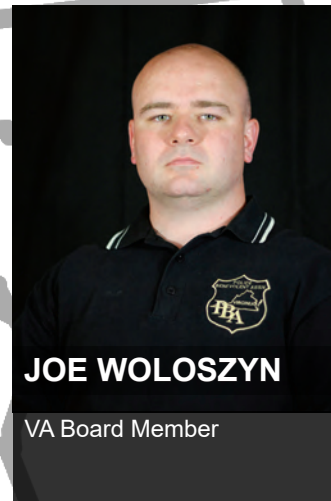
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RENEE DIXON: SSPBA CHIEF OPERATION OFFICER

Renee handles the day-to-day operations of the SSPBA under the authority of CEO Jack Roberts and has been with the SSPBA for 35 years.

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



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SSPBA SENIOR VP RETIRES AFTER DISTINGUISHED CAREER AS LEO

By Randy Byrd
Foundation and Media Relations

David Soderberg, who serves as senior vice president on the Southern States Board, recently retired as a captain from the Goose Creek (S.C.) Police Department. He had served the citizens of Goose Creek for 28 years.

David's story is nothing short of compelling as he has weaved through the triumphs and successes of life while bringing honor and dignity to personal sorrow.

David's book begins in Pennington Gap, Va., in the southwest portion of the state in Lee County. Coal mining was the main source of income when he was born Sept. 20, 1962, to a young unwed mother. His mother gave him up for adoption through the Covenant Mountain Mission where a traveling pastor, John Carlson, happened to be visiting from Indiana.

Carlson knew that his younger sister and her husband wanted to adopt a child so he helped facilitate the adoption. Thirteen days after his birth, Soderberg was on a plane to Los Angeles, where his adoptive parents, Oliver and Doris Soderberg, were there to meet him and take him to his new home in Upland, Calif.

David's father was a World War II U.S. Navy veteran who took advantage of the G.I. Bill. After his discharge, he attended Pepperdine University, earning a teaching degree and later, a master's degree. He worked in the Upland School District as a teacher, assistant principal and then principal for the next 32 years. His mother worked for Sunkist Products in administration for 25 years.

After graduating from high school in 1983, David joined the U.S. Army. This was a natural inclination, as he comes from ancestral lineage who served our country. This lineage begins in 1776 with his fifth great grandfather serving in the Continental Army, a third great grandfather who fought and died in the



Dave as an Army military police officer.

Civil War, his grandfather who served in World War I and finally, his father and his uncles who served in World War II. David chose to become a military police officer and during his three-year enlistment received the Army Service and Overseas Service ribbons, Army Achievement medal, and Expert Rifle, Expert Pistol and Expert Grenade badges.

David's civilian law enforcement career led him to several agencies before he

finally landed with Goose Creek PD. During his career, he served on patrol and in investigations and later supervised or commanded various units and divisions. In 1994, he was recognized as the Law Enforcement Officer of the Year for Berkeley County and the City of Goose Creek Police Employee of the Year.

David Arrons worked with David Soderberg for 24 years in various capacities before he retired. David was his first patrol sergeant when he started in

1996. Arrons credits him with teaching him how to document reports, survival tactics and how to communicate with the citizenry they served. As their careers progressed, they worked on numerous operations together and were members of the SWAT team. Later in their careers, when they were both police administrators, the mentorship continued.

“I would not have been as successful in my career had it not been for the time he invested in me,” Arrons said. “I want to wish him the best in his future endeavors, and am very appreciative of the countless lives he impacted to include mine.”

David realized the value of being a PBA member early in his career and initially joined for the attorney benefit. He later learned that there was more to PBA than just attorney representation and that the interview and endorsement process of political candidates was critical to having the needs of officers known. This led to him becoming a leader as the secretary of the Low Country Chapter. He was later elected chapter president and division president for South Carolina. He continued his PBA career by being elected to the SSPBA Board first as secretary and then senior vice president.

“It has been my pleasure to represent our membership throughout the years and collaborating with them and elected officials to gain benefits and a greater understanding of the challenges officers face every day,” Soderberg said.

Because of his work and leadership, David was bestowed the PBA’s highest honor in 2013 as he became a Lifetime member. Chris Skinner, who is president of the Southern States PBA, said of David, “He is a great asset to the SSPBA board, and I can always count on him when I need advice or need a good friend to talk to. I want to wish him the best in retirement and am looking forward to our continued work together as we serve our members.”

David’s life as he knew it came to end in November 2019. He lost his wife, Michelle, to endocrine cancer after a two-year fight. David and Michelle Soderberg chose to make the fight public through social media, and through their



Dave recruiting for PBA.



Dave (center) and the SC Division Board with then-SSPBA president and current CEO Jack Roberts (second from right) in 2003.

faith and vulnerability touched countless lives. Michelle Soderberg fought bravely, and her passing was traumatic to David Soderberg and his family.

“She was my support during tough times

in my career and personal life,” he said. “I was blessed to be able to be there for her during her illness and holding her at the end of her life. I miss her every day, but I have learned to be thankful for the

time I had with her and not focus on the loss. I know where she is and I will see her again.”

David feels blessed to have three daughters and five grandsons to help him continue. He continues to raise their 14-year-old daughter, Kayla.

In retirement, David will continue to pursue his interests that include firearms and sports. He is also an amateur historian, avid photographer and knife

collector.

He owns a 1959 Ford F-100 which he affectionately named “Alice.” He likes to cruise Alice through small towns and farmlands and take pictures of it near old barns or old main street buildings.

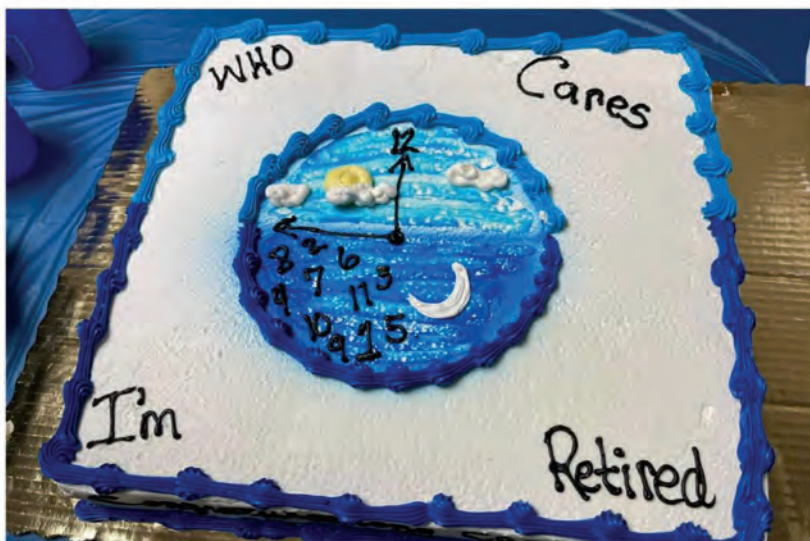
“I meet so many people who remember their family owning a similar truck and want to share the memories they have of it,” he said.

PBA congratulates David on his

retirement and is looking forward to his continued leadership on the SSPBA board.

Gen. Douglas MacArthur offers one of David’s favorite quotes, “A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader but becomes one by the equality of his actions and the integrity of his intent.”

We feel the same about you, David.



(Top left) Dave and his late wife, Michelle. (Top right) Dave with his daughter, Kayla. Bottom left, Dave’s truck, ‘Alice.’ Bottom right, Goose Creek Police Department sends off Dave into retirement with cake and honorariums.



UNDERSTANDING GIGLIO: THE DEATH LETTER FOR LEO CAREERS

By Rick Tullis

NCPBA Board member

We have all heard the line, “If you are reading this, it’s too late.” Sadly, this is the reality for too many officers confronted with Brady/Giglio allegations.

It is safe to say that most law enforcement officers have heard the terms “Brady” or “Giglio,” but a large percentage are uninformed about the potential impact these terms can have on their careers. Way too often, when an officer becomes aware of the ramifications of a Brady or Giglio letter, it is too late for them to take any meaningful steps to defend themselves against the allegation. Our goal is to provide officers with a basic understanding of these terms, how they can potentially impact the officer and what the NCPBA is doing to address this issue for law enforcement personnel in North Carolina.

In the 1963 *Brady v. Maryland* case, the Supreme Court held that prosecutors must disclose any exculpatory evidence to the accused material to his guilt or punishment. Subsequently, in the 1972 *Giglio v. U.S.* case, the court held that exculpatory evidence also includes information that can be used to impeach the credibility of prosecution witnesses, including police officers.

In the ensuing 50 years, prosecutors have been left to determine under their discretion what rises to the level of a Brady (failure to disclose exculpatory material) or Giglio (truthfulness) violation.

Once they determine a violation has occurred, some choose to notify directly or provide letters to the defense each time an officer appears on a witness list. Some district attorneys create and maintain a “blacklisted” officers database periodically provided to media and the public.

Attorney Val Van Brocklin listed some examples of officer’s conduct that resulted in a determination of a Giglio violation in her Jan. 28, 2019, article



Rick Tullis

in Police 1 magazine. Van Brocklin describes an officer falling asleep on duty, missing a dispatcher’s call and blaming it on a stuck microphone. Another example is an officer telling dispatch they were out-of-service and unavailable when it was almost the end of the shift and the officer did not want to miss their daughter’s basketball game. While these officers should have handled these situations differently, these are not cases where they should lose their careers.

Further and most importantly, such cases are antithetical to the Giglio Doctrine which specifies that alleged untruthful conduct must be material to a specific case. Thus, Giglio matters were never to be confused with the kind of administrative misconduct as described in Van Brocklin’s article. Ironically, after more than five decades of this rarely-used process quixotic to most police administrations, the current anti-police toxic political climate has compelled all too many of today’s chiefs, sheriffs, prosecutors and some judges to not only misapply Giglio, but blatantly to abuse it.¹

In a February 2019 Police 1 article, Van Brocklin lists cases from around the country for which officers allege

prosecutors have Brady listed them.

These situations are:

- Criticizing the district attorney in the newspaper
- Supporting the wrong candidate in the district attorney’s race
- Investigating corruption within the prosecutor’s staff
- Providing truthful, but unhelpful to the prosecution, testimony
- Complaining to city officials about corruption in the police department
- Failing to apologize to the prosecutor for some perceived slight²

While every professional police officer stands united in support of removing any bad police officer from the profession, the system is positioned to adversely affect good police officers in profound ways. Under state and federal constitutions, every person you arrest is afforded a minimum, basic standard of due process. In North Carolina, even individuals accused of low-level misdemeanors are entitled to pre-trial hearings such as first appearances, arraignments, bond hearings, etc. A fundamental precept of our legal system is that issuing a warrant (allegation) is not evidence of guilt, but it is simply the initiation of an administrative process.

For example, you investigate and then provide a probable cause statement (allegation) to a magistrate who then issues the warrant. Legally, the defendant at that point merely stands accused of a crime, and the presumption of innocence until proven guilty attaches. The defendant is provided access to an attorney, hearings are scheduled and then a trial occurs.

Terrifyingly, the determination to issue a Brady or Giglio letter against an officer lies solely with a select group of people, including judges, district attorneys, assistant district attorneys, police chiefs and sheriffs. Once the letter (allegation) is filed, you have no right to a hearing,



no trial and no opportunity to defend yourself or question the validity of an allegation. You have no due process. The letter's author becomes the investigator, jury and judge that assesses a sentence that will impact you for the rest of your life.

Most officers who receive a letter alleging a Brady or Giglio violation will simultaneously see their employment terminated. They will be told that there is no place in the organization for someone untruthful or less than transparent regarding a Brady disclosure. Additionally, there has been a significant push to add Brady/Giglio allegations to forms maintained by the North Carolina Criminal Justice Education and Training Standards Commission. This addition would become a repository where potential employers could contact staff and inquire about whether or not an officer has been accused of a violation. If the Giglio/Brady box is checked, the employer would be inclined to move on to the next candidate.

The NCPBA views the lack of binding due process regarding Giglio/Brady allegations as one of the preeminent issues facing law enforcement officers. As such, we have taken an aggressive position to oppose the creation and maintenance of any list until officers are afforded due process, including the opportunity to defend themselves in a court that can issue a binding decision.

The NCPBA educates and asks legislators about their position on this topic during our political screening process. All

too often, we learn that legislators are unaware of this issue, and they often express their dismay to screeners.

During the 2016 election cycle, we interviewed candidates on numerous issues and received positive feedback on the question of due process from attorney general candidate Josh Stein. Stein was endorsed by the NCPBA and he went on to become attorney general.

For a number of legislative sessions, the PBA has worked to obtain a seat on the North Carolina Criminal Justice Education and Training Standards Commission as the largest law enforcement association in the state. In 2017, after HB 395 was defeated, the PBA approached Stein and asked if he would appoint a PBA member using his appointment. He agreed and asked for several resumes of members for review.

Winston-Salem Triad President David Rose was later chosen, in part, because Stein was impressed with his work on the opioid crisis as a narcotics supervisor with Winston-Salem Police Department. Stein had made this a priority of his administration upon taking office.

During Stein's first term, the Attorney General's Office represented a defendant district attorney in a Giglio case that had landed in the North Carolina Court of Appeals. PBA represented our member, the plaintiff. The Court of Appeals ruled ambiguously in a split vote that left the case eligible for review by the North Carolina Supreme Court.

Then-President Randy Byrd, Executive Director John Midgette and PBA counsel met with Stein to implore him to appeal the case to the state Supreme Court in hopes of getting a definitive decision from the state's highest court. Leslie Cooley-Dismukes, who serves as the criminal bureau chief for the North Carolina Department of Justice and ex-officio member for Stein on the North Carolina Criminal Justice Training and Standards Commissions, was also present. Stein intimated that an officer could find due process in their Commission hearing, and Cooley-Dismukes championed his position.

The problem with this concept is that the results of a Commission hearing are not binding regarding Giglio/Brady. The hearing authority also pertains only to certification issues, and the hearing happens months or years after the problem arises. Without a clearer ruling from the Supreme Court, PBA could potentially be faced with pursuing civil litigation against a district attorney.

Surprisingly, Stein thought this was a viable option. Several days later, Stein confirmed he would not pursue the case on appeal. Subsequently, the COA's remand was ignored by the plaintiff/district attorney who immediately "re-Giglied" our member again and again without any opportunity for the officer to be heard.

In the Aug. 14-16, 2019, Commission meetings, Cooley-Dismukes, with commissioners Robert Hassell and Eddie Caldwell, began an aggressive campaign to add Giglio disclosures to various Commission forms. Several other reasonable commissioners joined Byrd and Rose in arguing that viable, binding due process should be established before an officer's reputation is destroyed by these allegations being placed on the forms. The Commission sided with them and rejected the proposal at that time.

Not to be dissuaded, the issue would come up again in the Commission's Aug. 12, 2020, Planning and Training Committee meeting. Cooley-Dismukes once again recommended adding the Giglio disclosure to the Commission forms. Commissioner Andy Gregson, the representative from the Conference

of District Attorneys, expressed a willingness to meet with stakeholders to determine if a due process framework could be developed before including this information on Commission forms. The committee agreed and denied Cooley-Dismukes's motion.

Not to be deterred, two days later in the full Commission meeting, and despite the motion failing in committee, Hassell employed a seldom-used parliamentary procedure and offered yet another motion to add the Giglio information to Commission forms. The motion failed on a 17-11 vote. During this same meeting, Rose was sworn in to another three-year term, after being reappointed by Stein.

A few days later, the PBA interviewed candidates for attorney general. The candidates were asked specific questions to include Giglio/due process, qualified immunity and police reform. Based on the candidate's responses in a graded format and the screening committee's recommendation to the division board, the division board chose to endorse Stein's opponent. The endorsement was announced in September.

In October, Midgett and Rose met with Gregson and other representatives with the Conference of District Attorneys. Gregson demonstrated that he genuinely understands the multi-faceted issues that arise from Giglio/Brady allegations. Gregson committed to present our issues to his organization.

He hoped that, at minimum, a "position paper" could be developed recommending that officers be provided with a hearing with the respective district attorney before the issuance of formal Brady/Giglio allegations.

Gregson additionally recommended that police chiefs and sheriffs receive training about what conduct rises to the level of a Brady/Giglio violation. The discussions surrounding this are ongoing at the time of this writing.

On Nov. 20, 2020, Stein attended the regular Commission meeting to encourage commissioners to embrace the recommendations of the Governor's Task Force for Racial Equity in Criminal Justice to be released in December. Stein

and Associate Supreme Court Justice Anita Earls had served as co-chairs.

A significant part of the report centered on the Commission enacting numerous changes to the criminal justice system through the statutory power invested in the Commission, which fall under the attorney general's purview.

On Jan. 28, 2021, Stein exercised his authority and removed Rose from the Commission after having appointed him to a second three-year term several months earlier.

In his place, he chose to appoint a member of the task force. Byrd spoke with Stein and expressed the NCPBA's disappointment with his decision and how its timing would be detrimental to the progress made regarding Brady/Giglio issues.

Byrd, Midgett and staff continued to work on this through the non-partisan PBA legislative process, when the General Assembly came back to Raleigh for the long session.

Because of that process, PBA has educated even more legislators on why due process is imperative involving Giglio issues.

On Sept. 2, 2021, Gov. Cooper signed into law SB300, a bill sponsored by Sen. Danny Britt Jr.

Hailed as a Police Reform Bill, it created requirements that several databases be created and maintained regarding police conduct.

Britt met with the PBA to hear and address our concerns. These databases include the mandatory submission and collection of information about critical incidents/uses of force, de-certification and Giglio allegations.

SB300 updates General Statute 17E-16 (h) to require that an officer be noticed appropriately regarding the existence of a Giglio letter. GS 17E-16 (h) reads as follows:

(h) Any person who has received a notification that may meet the reporting requirement provided in subsection (a) of this section may apply for a

hearing in superior court for a judicial determination of whether or not the person received a notification that the person may not be called to testify at trial based on bias, interest, or lack of credibility.

While this does not represent the meaningful due process that we believe every officer deserves, we see it as a small step in the right direction. The NCPBA remains on the front lines of the battle to achieve a viable, complete and binding Giglio/Brady due process for our members.

We believe, as do many other law enforcement professionals, that without a meaningful resolution to this critical issue, we will continue to lose good officers, and the best and brightest applicants who once looked forward to a career in law enforcement will continue to look elsewhere.

In a step in the right direction, PBA is appreciative of Speaker of the House Tim Moore who reappointed Rose to the Commission with one of his appointments.

Rose is looking forward to his continued work on this issue and serving as the "voice of law enforcement officers" on the Commission for our members.

(Rick Tullis is president of the Mountain Chapter in North Carolina.)

¹Van Brocklin, Val. "The Media Is Asking If Cops Really Understand Their Brady Obligations." *Police1*, 28 Jan. 2019, <https://www.police1.com/ethics/articles/the-media-is-asking-if-cops-really-understand-their-brady-obligations-o6ZRRYRMUNtWLscJ/>.

²Van Brocklin, Val. "Brady Lists Ignite Conflicts between Police and Prosecutors, Management and the Front-Line." *Police1*, 25 Feb. 2019, <https://www.police1.com/legal/articles/brady-lists-ignite-conflicts-between-police-and-prosecutors-management-and-the-front-line-jaBRldmLu8wSdPnN/>.

PBA BACKED SUCCESSFUL PASSAGE OF COLLECTIVE BARGAINING

By Sean McGowan
Executive director
VAPBA

In 2008, collective bargaining in Virginia was illegal under Code Sections § 40.1-57.2 through 40.1-57.3. Virginia House Bill 852 was filed by then-Delegate Adam Ebbin, an endorsed PBA candidate. This bill was brought by our Alexandria members as a result of discussions with Alexandria City officials who agreed to discuss collective bargaining if a bill should be passed by the legislature that would make collective bargaining legal.

In an unusual move, the House of Delegates rules committee passed the bill without recommendation. The bill moved to the House of Delegates floor, at which time Ebbin asked to have the bill stricken because he saw the onslaught he was about to face. Ebbin's attempt to have the bill removed was rejected, and he was then forced to stand in front of the House and describe his bill.

Needless to say, he was verbally beaten by numerous delegates who were appalled that he would bring such a bill forward. The house enacted Rule 69, and all members who were present and failed to vote were counted in the negative. I have never seen a bill so soundly beaten. It sent a message to others that such a measure should never be brought again.

In 2020, House Bill 582 was introduced by Delegate Elizabeth Guzman. This bill removed the prohibition that would allow localities to engage in collective bargaining. With the help of the majority party in the House and Senate, the bill passed and became law on May 1, 2021. Everything that happened in 2008 was no longer a factor but remains in the recorded history of the effort. Once the law passed, the City of Alexandria was the first to express the desire to move the process of collective bargaining forward. Our Alexandria Police Benevolent Association Chapter board immediately jumped into action. The PBA chapter did not have the majority of members, and another organization was confident of an easy win once the matter of representation was put to a vote by



Alexandria PBA Chapter President Damon Minnix and board member Tara May

Alexandria police officers. A scheduled PBA chapter election took place at about the same time, and a newly-elected chapter board made membership and getting the right to be the bargaining agent priority one. President Damon Minnix, board member Tara May and the entire chapter board of directors were true leaders in an effort to obtain the best possible representation for all Alexandria police officers.

In anticipation of this process moving forward, the PBA retained Caleb Kershner and Will Thetford of the law firm Simms Showers LLP to guide and assist the chapter in the uphill fight to secure the right for the Virginia PBA to be the first law enforcement representative organization to collectively bargain in Virginia. Months of strategy and planning went into every decision as the board tirelessly recruited and secured votes from both members and non-members. This matter went to a vote in February 2022. All Alexandria officers were given the opportunity to vote from Feb. 3 to Feb. 22. When the vote was counted, the Alexandria PBA Chapter was elected the first law enforcement collective bargaining unit in the history of Virginia.

At this time, our legal team from Simms Showers LLP is working with our Fairfax County Chapter board to secure the PBA as the bargaining unit in Fairfax County. The PBA has already qualified to be on the ballot when Fairfax officers

are given the opportunity to vote for the organization they want to work for them as a bargaining unit. We hope to enjoy the same success in Fairfax that we did in Alexandria. Our Fairfax Chapter board is hard at work growing the chapter and informing Fairfax members that the PBA has an assembled legal team with unmatched ability and experience in contract negotiations.

I am proud to be part of this history, as a police officer and labor leader in Alexandria in 2008, and now as the executive director of the Virginia Division of the PBA. I participated in our candidate endorsement process and worked with our elected officials to bring this measure 14 years ago.

I have supported our chapters in the process since the collective bargaining law was passed. I look forward to the future, and I see great potential for our dedicated members who will benefit from the years of hard work put in by their dedicated PBA chapter leaders.

The beginning of collective bargaining in Alexandria is groundbreaking and historic. Virginia PBA is out in front, leading the way and establishing the pathway for collective bargaining for the entire state. Through open communication, adherence to policy and law, civility and honesty, Virginia PBA will achieve its goal of truly being the voice of law enforcement.

PEER SUPPORT LEGISLATION RAISES CONCERNS OVER PRIVILEGE

By Joni Fletcher Cawthon
SSPBA Director of Legal Services

Most states in the SSPBA coverage area have legislation on the books that creates some type of peer support team or critical incident stress management team. These peer support teams are typically comprised of public safety employees who respond to assist and support law enforcement officers who have been involved in critical incidents. Members of the team are trained and experienced in providing valuable support to help law enforcement officers handle their reactions to being involved in critical or traumatic events.

These peer support teams provide the valuable service of letting law enforcement officers know that they are not alone after they have been involved in a critical incident—they are a resource and an outlet for the involved officer as the officer processes what he or she has experienced. Without question, in order for these peer support teams to have any value, the officer must feel comfortable in sharing his or her thoughts and experiences in regard to the incident in which they were involved. Recognizing this, legislatures have typically established some form of privilege in regard to the communications that officers make with peer support team members.

Unfortunately, there is reason to be concerned about just how privileged these communications are. Recently, a prosecutor in Virginia issued a grand jury subpoena to a peer support group member in regard to the investigation of an officer-involved shooting. The peer support group member contacted PBA for assistance because it was the understanding of the member that any communications between a peer support team member and an officer involved in a critical incident were confidential. PBA assigned attorney Mark Bong to represent the member. Bong filed a motion to quash the subpoena and asserted that communication between the peer support group member and the

officer being investigated was privileged. The court allowed the prosecutor to proceed with the subpoena and held that this incident fit the exception in the Virginia statute (Code of Virginia 19.2-271.4) which states that the privilege does not apply when criminal activity is revealed. The court determined that a critical incident wherein a suspect died constitutes “criminal activity.” The peer support group member then invoked the Fifth Amendment when questioned about communications between the member and the involved officer.

Bong stated, “What this case shows is that statements made to designated peer support personnel are not privileged in the same way statements to PBA attorneys are. Besides taking one’s own counsel and remaining silent after a shooting or other critical incident, a PBA member would do well to consider the only safe space to discuss feelings, impressions, emotions, and after-effects is in the presence of the PBA attorney with all recording devices switched off and located away from surveillance measures.”

For some time now, the PBA legal department has had concerns about how limited the officer/peer support team member privilege is, particularly when compared to other recognized privileges (attorney/client, spousal, clergy, etc.). The Georgia statute (O.C.G.A. 24-5-510), for example, provides that communications between a public safety officer and a peer counselor are privileged but then delineates exceptions that practically consume the privilege in its entirety. Among the exceptions are when testimony is compelled by court order —the statute provides no guidelines as to when such court order may be sought by a party.

Another exception exists when the officer is charged with a crime — as more officers have been criminally charged recently in comparison with prior years, this exception potentially comes into play relatively often. The Georgia statute also provides an exception when the peer counselor was an initial responding officer, witness or party to an act that

is the subject of the counseling — if an officer speaks with someone who responded to a critical incident and is also a peer counselor, that communication is not privileged. Statutes in North Carolina, Mississippi, South Carolina, Arkansas and Louisiana have similar exceptions.

A proposed peer counseling statute is making its way through the legislature in Kentucky, and its exceptions to the privilege appear to be more narrowly tailored than those of the states mentioned above.

Those exceptions apply when the communication contains 1) an explicit threat of suicide by a participant, 2) an explicit threat by a participant of imminent and serious physical and bodily harm or death to a clearly identified or reasonably identifiable victim, 3) information related to the abuse or neglect of a child or an older adult or vulnerable individual that is required by law to be reported, 4) an admission of criminal conduct or 5) information that is required by law to be disclosed. These more narrow exceptions are similar to those provided in Tennessee (T.C.A 24-1-204).

In Virginia, PBA is working to have the language of the peer support privilege statute amended. Among the proposed changes is language stating that in the case of a police-involved shooting or other incident involving police use of force, there shall not be a presumption that a crime has been revealed. While peer support statutes provide a needed service for officers, and while some privilege in regard to an officer’s communications in a time of stress is better than no privilege at all, officers are again reminded that having a PBA attorney respond to a critical incident is invaluable. An officer experiencing the usual feelings that accompany a critical incident needs an outlet to express those feelings. Attorney/client privilege is strong and is recognized everywhere, as is the privilege associated with medical and professional counseling. Unfortunately, the peer support team privilege does not provide those same guarantees.

NC HOUSE TAKES STEPS TO ADDRESS PTSD IN FIRST RESPONDERS

By Phil Rollinson
Eastern Coastal Chapter president
NCPBA

A meme circulating on social media provided a somewhat abstract observation of the mental health of first responders by stating, “First responders get into the job to change the world and end up changed by the world.”

Some variation of the same sentiment has circulated for years and reminds us of the sacrifices law enforcement officers and all emergency services providers make for the well-being of others. While it is true most of those who enter any of the first responder fields do so to provide care for others, it is often the responders themselves who suffer the most from traumatic experiences throughout their careers. Research regarding the prevalence of mental health and post-traumatic stress disorder in the first responder community is somewhat limited, though there are ongoing studies on the subject.

Potential rates of PTSD in law enforcement officers have been shown to be anywhere between 7% and 35%. New York Police Department uniformed psychologist Daniel Rudofossi said “Officers could potentially be exposed to no less than 900 traumatic events over the course of a 30-year career”.¹ Noted police psychologist Ellen Kirschman, who has over 30 years of experience working with first responders, believes, based on her research, the rate of PTSD in officers to be somewhere in the 19% to 34% range.¹

It should be evident, based on this limited overview, that something needs to be done to care for those who care for others in the community.

The concern for all first responders is where untreated PTSD and other mental health challenges can lead. The most devastating outcome is one in which the individual suffering commits suicide. According to Blue HELP, a suicide awareness and prevention resource for first responders, the number of officers who took their own lives in 2020 was 174.



Bradley Evans speaks to a legislative committee on health issues

In 2021, 167 officers ended their lives.² Based on this overview, it is apparent that more work is needed to help first responders get the help they need.

However, the law in North Carolina relating to on-the-job injury and workers compensation only allows individual coverage if the employee can point to one single event resulting in the injury. The law also does not factor in the cumulative traumatic exposure of PTSD.

Realizing this need, the PBA sought out primary sponsors for this critical legislation who had the appropriate background, experience and understanding of this crucial issue. Reps. Donna White, Kristin Baker, Carla Cunningham and Mike Clampitt were appreciative of the opportunity to help.

White, the lead sponsor on this important legislation, is a career nurse and has worked with law enforcement throughout her career as an aging and health specialist assisting elderly victims of fraud and abuse.

Baker is a psychiatric physician and is board certified in general adult psychiatry and child adolescent psychiatry.

Cunningham is a nurse and health care professional and has long been an advocate for access to mental health care.

Clampitt is a retired firefighter who witnessed firsthand the issues of PTSD during his career.

On April 8, 2020, HB 492 (Workers Compensation for Psychological Trauma Related Injuries) was introduced on the House floor. The bill would provide that PTSD without other injury is a compensable occupational disease when it arises out of employment as a first responder and the PTSD resulted from the first responder acting within the course of his/her employment. The PTSD would have to be diagnosed within a reasonable degree of medical certainty and the result of employment activities.

The bill also requires employing agencies of first responders, including volunteer first responders, to provide educational training related to mental health awareness, prevention, mitigation and treatment.

On May 5, 2021, the bill was heard in the Health Committee. During the committee meeting, each bill sponsor spoke on the need for HB 492.

After offering sobering statistics and an explanation of the bill, White gave real life examples of what officers, emergency communications officers and firefighters see every day in the performance of their duties.

“When you do this 365, many times, several shifts a day or a week, you don’t get over it,” she said. “You can’t just brush it away.”

At the conclusion of her remarks, White asked the committee members for a favorable report. Clampitt spoke about some of his personal experiences as career firefighter to include those burned in building fires and plane crashes. He recalled a burning plane crash to which he responded.

“The only thing burning, after the call, was the three people on the plane,” he said. “In 31 years, I’m here to tell you, every shift when you see it day in and day out, it does take a toll.”

Baker used her time and professional experience to emphasize that intervention is possible with PTSD, and it can change the outcome.

“I really appreciate the opportunity to shed light on this and to hopefully provide the intervention needed for those heroic workers,” said Baker.

Cunningham rounded out the primary sponsors’ remarks by addressing the long-term effects of PTSD.

“Most scars are not visible to the naked eye but are deeply embedded in first responders, law enforcement and lots of healthcare professionals’ hearts and minds for a lifetime,” she said.

Perhaps the most compelling testimony came from Bradley Evans during the public comments time. Evans, a veteran Cary police officer, was involved in a shooting incident with another agency before coming to Cary. Although he survived the shooting, he recounted his experience and what he put his wife and child through because of the “demons” and stress.

PTSD “is something nobody should go through. There was no help for me,” Evans said. “We had EAP (Employee Assistance Program) through the department and they do a lot of great things but most of the time they don’t understand the public safety aspect of it.”

What he was going through eventually led him to move his family and to take a job with the Cary Police Department. Evans said that for a time his life was better, but eventually the feelings came back again, along with the hopeless feeling that there was no one to help him.

He recounted pulling his patrol vehicle to the side of the road one day and pulling out his service weapon in a despondent moment.

Fortunately for Evans, his weapon ended up in the passenger floor of his car, and he decided he needed help. That help came through his supervisor who told him about the Family and Medical Leave Act, a federal program. Evans went to his Human Resources Department and was able to file the appropriate paperwork, and with his physician’s approval, use his own sick time.

This allowed him to have a paycheck and to continue with his health insurance benefits. Evans’ testimony before the committee put into perspective the seriousness of PTSD and that the help that is available places the burden almost solely on the person needing the assistance.

As a result of the testimonies shared, HB 492 received a favorable report and on May 6, it passed in the House Chamber by a unanimous vote. The bill sits in the Senate Rules Committee awaiting a hearing.

The NCPBA would like to thank everyone for their support of this important legislation. The sponsors of HB 492 should be commended for their support and for shepherding this legislation through the house.

Evans’ story truly illustrates the importance of this bill. HB 492 will allow first responders to get the help they need and return to the public safety work they were called to do.

The NCPBA will continue to fight for this critical piece of legislation because losing one first responder to the horrors of PTSD is one too many.

¹Cops and PTSD: Why you should care, what you can do. Ellen Kirschman. (n.d.). Retrieved Sept. 3, 2021, from <https://ellenkirschman.com/cops-ptsd-care-can/>.

²www.bluehelp.org/the.numbers



PBA delegation with Bradley Evans and Reps. Mike Clampitt and Donna White after the committee hearing.

AL RETIREE HONORED WITH LIFETIME ACHIEVEMENT AWARD

By Jon Riley

AL Division senior vice president

The Alabama Police Benevolent Association has seen a positive trend in growth over the past few years, recently surpassing the 5,000 member mark.

To keep up with a growing demand for member services, Gary Cooper was hired as Alabama PBA staff representative in 2020. Cooper has a bachelor's degree in criminal justice from Jacksonville State University and 26 years of combined city, county and state law enforcement experience. Cooper retired from the Alabama Bureau of Pardons and Parole as a senior officer in 2020, where he worked as both a supervisor and hearing officer.

During the Alabama State Law Enforcement Officers Chapter meeting June 25, 2021, in Mobile, Cooper was recognized for his retirement when division President Donald Scott presented him with a lifetime achievement award.

Cooper and I started working together on the Alabama State Law Enforcement Officers chapter board in December 2009. A brief anecdote to our friendship is that at the meeting in 2010, everyone thought Cooper had gone home after the meeting.

Consequently, no one thought to call and invite him to dinner that evening. Now, whenever he and I are in downtown Mobile together, he points to the Subway Sandwich Shop and for a laugh reminds me, "That's where I ate alone that night."

Since 2010, he and I have collaborated on several PBA projects, focusing mainly on providing training opportunities for law enforcement officers throughout the state. Instead of simply providing training for CEUs, we have tried to focus on the most relevant of topics such as officer safety, mental health for law enforcement and officer's response to officer-involved shootings.

Traditionally, PBA has partnered with great organizations such as the Alabama



Donald Scott, Alabama Division president and SSPBA vice president, presents Cooper with lifetime achievement award at the June 2021 SLEO board meeting (below).



Law Enforcement Alliance for Peer Support for much of this training.

From his volunteer position as Alabama State Law Enforcement Officers Chapter president to staff representative, Cooper has made a smooth transition to fulltime PBA employment.

Cooper has the privilege of working for and learning from long-time Alabama PBA Executive Director J.D. Hobbie. Hobbie is a retired ABI sergeant and has worked with Alabama PBA for well over 20 years. Many PBA board members have had the privilege to work with

Hobbie, and we are thankful for his continued dedication and leadership.

Alabama PBA members who request service will likely initially speak with Cooper or Hobbie.

I have had many members compliment their professionalism and dedication to follow-up throughout the grievance process and am thankful to work with them both and call both friends.

(Riley is also a board member of the Alabama State Law Enforcement Officers Chapter.)

CHESAPEAKE OFFICER HELPS VAPBA REACH 8K MEMBERS

**By Katharine Jefcoats
Editor**

Chesapeake, Va., police Officer Tara Valli wanted to be in law enforcement since an elementary school presentation on the dangers of drug use.

“When I was in third grade I remember an officer came into our classroom to teach us about drugs,” she said. “All the other kids and I were so intrigued with his uniform, his gear and, most of all, his K-9. Ever since then I wanted to be a police officer.”

Since joining the police department four years ago, Valli is the one giving hope to young children.

“The best part is when I get to go into the schools and see their eyes light up just like mine did when I was their age,” she said. “Maybe one day I will be the reason a child grows up to be a police officer.”

Valli, who divorced in 2018 after seven years of marriage, has a 5-year-old daughter.

The road to fulfilling her dream started in her home states of Colorado and Idaho -- where she lived on a dairy farm -- and took an interesting route that included the rodeo and the Navy.

In high school, Valli played volleyball and basketball, and ran track.

“When I was in Idaho we had a rodeo team,” she said. “Every weekend I would travel with my horse, Buddy, around the state and compete in barrel racing.”

After high school, Valli graduated College America-Denver with a four-year degree in healthcare administration. She then joined the Navy and began a military career in law enforcement.

“After college I enlisted in the U.S. Navy as a Master-at-Arms, which is base police, and I really enjoyed my job,” she said. “I was stationed in Sigonella, Italy, for two years and then Yokosuka, Japan, for two years. While I was there I had the opportunity to travel all over Italy and

Japan and learn their amazing cultures.”

At the end of her military career, Valli made the leap into civilian law enforcement.

“Now that I am on the civilian side, I love my job even more,” said Valli. “What I love most about it is that no two days are ever the same. You may get the same type of call but they are all different.”

In order to protect herself and her daughter, Valli joined the VAPBA Newport News Chapter. Around the time Valli joined, Virginia PBA reached a milestone membership of 8,000.

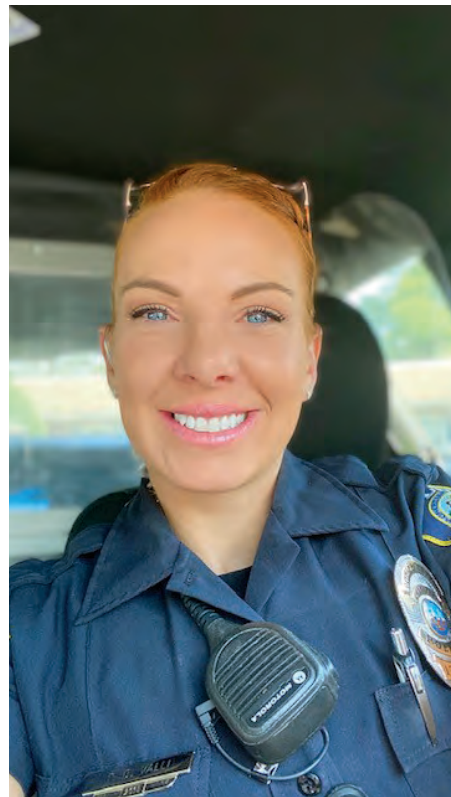
She saw firsthand how being a member can benefit police officers.

“I became a member because they offer so many benefits for law enforcement,” she said. “In today’s society, it’s good to have a great association behind you in case trouble ever finds you. By being a member of PBA, I feel like I am protected and taken care of in case anything bad happens. I also became a member because a close friend of mine, who is also a police officer, had false accusations made about her. She was a member with PBA and they were able to assist her with legal expenses and resolve the issue. Without them, she may not still be a police officer.”

Valli learned how to make sound decisions from her parents. Her father owned a construction and concrete business for 30 years but retired in Kansas where he works as a hunting guide. Her mother has worked as a manager at a Volkswagen dealership for 20 years.

“My biggest influences in my life are my parents,” she said. “They taught me at an early age working on the farm what hard work and good work ethic were. They also taught me about how to be great with finances and that hard work always pays off.”

No doubt she felt those influences through her Navy and law enforcement careers.



Officer Tara Valli

“While I was in the Navy, I received a Navy Achievement Medal and just recently received a Medal of Excellence award with my department,” said Valli. “I am currently a firearms instructor, Control Tactics instructor and CPR instructor. I have completed SWAT school, USART Dive school and CNT school.”

In her off-time, Valli keeps up her background of being adventurous.

“When I am not working I try to be outside as much as I can,” said Valli. “I love every type of outdoor activity such as camping, hiking, kayaking, horseback riding, etc. If I’m not doing any of those, you will usually find me relaxing on the beach.”

Her favorite quote reflects her philosophy on life.

“Live as if you were to die tomorrow. Learn as if you were to live forever.” -- Mahatma Ghandi

FORMER EXPLORER LEADS CADET POST IN MISSISSIPPI

**By Katharine Jefcoats
Editor**

If you can't beat 'em, join 'em.

When Biloxi police Sgt. William Payne was a child growing up on the Gulf Coast of Mississippi, he figured out the best way to get close to his law enforcement father.

At 13, he joined Explorers Post 310 through the Gulfport Police Department.

"I knew at a very young age I'd follow my dad's footsteps to become a police officer," said Payne, 42. "I also got to spend more time with him as an Explorer."

The Explorers Club was founded in 1973 as a non-scouting arm of the Boy Scouts of America. Membership is open to youths age 14-20 interested in law enforcement careers. Teens can join at 13 but can't compete nationally for a year after they become a member, said Payne.

Payne became a law enforcement officer at age 20, and got involved with the Explorers as an advisor. Fast forward to 2014 when Payne joined the Biloxi Police Department and became advisor to that Explorers Post.

In 2019, the department changed the organization's affiliation to Public Safety Cadets Program 126.

The cadets participate annually in the Southeastern Law Enforcement Explorer Academy. Videos of the training posted on the academy's website, www.sleea.net, give viewers an idea of what the cadets learn, said Payne.

The soundtrack overlay contains snippets of such hard-pumping music as "Welcome to the Jungle," "Uptown Funk (Don't Believe Me Just Watch)," "All I do is Win," and "I like to Move It." Cadets are put through their paces in physical, paramilitary, disciplined and team-building exercises.

They learn how to conduct traffic stops,



Biloxi Public Safety cadets visit London as part of an international exchange.

make arrests, properly use weapons and work with K-9 units.

Classroom work tackles training in FATS, taser, active shooter, crisis negotiations, bike patrol and officer down scenarios. FATS is an interactive firearms training simulator.

"It's my personal experience that the cadets should go through exactly what the police officers go through and to learn what to expect," said Payne.

Payne said he is proud of the cadets he's worked with over the years.

"They all become productive citizens and become police advocates and understand police tactics," he said. "They know why we have to control a room. We're able to teach kids why we do what we do. And it's another way to communicate with the community.

"That's why more agencies need these programs," continued Payne, "to grow advocates. If we have youth in the community as part of the department,

people see that. There's no way to put a negative spin on this program. It pays back tenfold."

Community events involving the cadets include Mardi Gras Night, beach clean-up, festivals against crime, feeding the needy and delivering meals.

Payne said police officer volunteers are easy to recruit, too, as evidenced by the growth of the number of cadets involved since his involvement in 2014. There were about a dozen cadets then and it grew to 47 before COVID struck in 2020.

Ten remain on the rolls but Payne said the program maintains a strong relationship with the school system – the major source of new cadets.

"The group is very inclusive," he said. "Everybody gets along. The program teaches leadership, integrity and social skills. No one is judging you and you can be friends with everyone."

Biloxi is one municipality in Harrison



(Above) Biloxi Public Safety cadets participate in community events. (Below) Cadets interact with London explorers during an exchange visit.

County, the second largest county in Mississippi. Other municipalities, Gulfport and D'Iberville, and the county sheriff's office all have an Explorer or PS Cadet affiliation.

"We all have individual meetings but we do get together sometimes like for a Christmas party," said Payne. "We travel together for competitions and work closely together."

The groups also have an international partnership with London Metro Police's own Volunteer Police Cadets, age 10-18. Payne said the groups participated in an exchange program, with London cadets attending the SLEEA camp and the Biloxi cadets flying to London.

"I still speak to our London counterparts," he said. "We have a friendship."

Payne said having mentors are important to children and young adults. Once he was a protégé, now he is a mentor.

"My father was a great mentor but I've gained more mentors along the way," he said. "I'm still in contact with ones from when I was 13. I believe in paying it forward."



GEORGIA OFFICER SHARES STRUGGLE WITH PTSD



Sgt. Matt Pearce and his wife of 13 years. They have two children.

**By Katharine Jefcoats
Editor**

Veteran law enforcement officer Matt Pearce knew for sure he had an alcohol addiction but only thought he had a solution.

Suicide.

"I always liked drinking," said Pearce, 34. "I never knew when to stop."

He did quit once, thanks to his wife of 13 years, but when doubts and second thoughts generated from his job created insomnia and anxiety, Pearce picked up the bottle again and hit it hard.

"I found out in treatment that my issues were a culmination of everything," he said. "I have unresolved grief and trauma from childhood I prefer to not talk about. When I worked patrol, there were bad wrecks, homicides, suicides, kids in bad positions. I drank to turn off my brain and 'what-ifs?'"

Two on-the-job incidents contributed to his feelings of anxiety and pain. When he worked in the Mitchell County Jail, an inmate died on his shift. Pearce said he wondered if he could have done something to save him.

In one incident, he got separated from his partner during the hunt for a shooter. The shooter confronted his partner who ended up shooting the suspect. Again, Pearce was plagued with guilt and questions about a different ending.

But the tipping point was after Pearce began investigating sex crimes against children. As part of his job building cases, Pearce had to watch graphic pornographic videos and photos seized during searches of suspects' belongings.

"My daughter was born in 2016 and the child victims really bothered me," he said. "A family member died and I felt like everyone would be better off without me. I wasn't a very good husband or father."

Planning a successful suicide dominated his thoughts.

"I thought I could make it look like an accident, given my training and experience as an investigator, and the insurance company would pay my family," said Pearce. "Then I thought about getting shot in the line of duty. It wouldn't look like suicide and I would look like a hero and be dead, which is what I wanted."

Life threw another curve ball when Pearce was diagnosed with colon cancer and his wife started noticing his suicidal ideations. At first, he refused cancer treatment and took comfort in his alcohol. Pearce later changed his mind and was successfully treated for colon cancer.

But even the trauma of a cancer diagnosis and treatment did nothing to diminish Pearce's belief that suicide was the answer to his problems.

"I knew I didn't want to do it at home because I didn't want my family to find me," he said. "I knew I didn't want to do it in my jurisdiction because I didn't want my fellow officers to have to endure that."

Pearce formulated a plan to take advantage of a seminar he would be attending in Augusta, Ga., the week before Thanksgiving 2018.

"I got drunk every night after the classes," he said. "Every night was supposed to be 'the night.' I held my firearm in my hand to my head but I could never pull the trigger. I emptied my weapon and held it to my head and pulled the trigger but I could never pull the trigger when it was loaded."

He finally reached the last day of the seminar and knew the last night he would shoot himself and end his misery.

"Some of the officers overheard something I said and hid my pistol," he said. "I was having a brownout so I remembered some of what was happening. The officers then told the task force commander."

The commander called Patrick Cullinan, a PBA field representative and Richmond County sheriff's deputy, who lived near Augusta. It was sheer luck that Cullinan was home.

"I was supposed to be in McDonough that day but changed my mind at the last minute," said Cullinan.

Cullinan changed into his uniform and headed over to the seminar location. Pearce sat across from Cullinan, listened to every word and watched his body language as Cullinan shared his own story of addiction and suicide attempts.

"I'm a trained investigator, trained to spot lies," Pearce said. "I tried to catch him in a lie but I knew in my heart of hearts this man was telling me the truth."

Cullinan said the biggest fear of a law enforcement officer suffering from addiction, suicidal ideations and/or PTSD is losing his or her job. There is a stigma attached to an officer who seeks help and Cullinan said involuntary committals almost always end in termination. Pearce said recruits are taught to leave their emotions at home and pick them back up at the end of their shifts.

"I never talked to anyone, not even my wife, about problems and suicide," said Pearce. "When cops get together we talk shop. At the academy they tell you to leave feelings at the door, at the house. I was just a shell of a man, I only felt anger, nothing else. Everything hurts when all you deal with is trauma and loss and dealing with people on their worst day if you have your emotions. That's why it's better to not have emotions on the job."

Cullinan gave him the best alternative to suicide: treatment that allowed him to keep his job.

"I was so miserable I wanted to die and I worried about being able to remain a cop," said Pearce. "Pat gave me an option: 'Come with me and get voluntary help.' And I could keep my job. I rode with a GBI agent to Alabama for treatment. It was an eight-hour drive, I was hungover."

Pearce entered treatment and therapy. He learned a lot about himself and realized



Sgt. Matt Pearce with his children, 12 and 5.

that he'd created an identity for himself that excluded everything except being a LEO.

"Being a law enforcement officer is supposed to be what you do, not who you are," he said. "I defined myself solely as a cop, who he was. I was scared, that as my primary emotion. I thought the only job I loved was gone. I had to create my own identity. I haven't drank since."

He was able to return to patrol duties Jan. 2, 2019. Pearce said he couldn't believe his luck, and his sensations were surreal and bittersweet.

Cullinan has long shared his story of sobriety to groups of LEOs and believes in paying it forward to help others suffering from suicidal ideations and PTSD. He passed that act of kindness on to Pearce.

"Three months later, I drove an officer to the same treatment center I went to," said Pearce. "I had a lot to provide to the department because I've been through it. I've been able to be sober and not have suicidal ideations, and I absolutely love my job. I've bettered myself. All it took was me getting my personal life together. A little bit of help." Pearce paused. "Little bit of therapy and lot of help."

Getting back to where he was before treatment was a process. He was put on night patrol and allowed to keep his rank of sergeant but was not permitted to supervise other officers. After a few

months, he was investigating general crimes as a detective but not child sex offenses. He was able to finish his two-year degree.

However, Pearce did not feel completely welcomed back at work. He thought some officers were out to get him and started looking for greener pastures. He opted for a position with the Georgia Department of Corrections in south Georgia. Pearce works as a special agent for the prison system, and is also assigned to the FBI's Safe Streets Task Force.

In his spare time, Pearce shares his story with others, and urges officers to be vocal if they detect a brother or sister in blue is in similar trouble.

"If I have to tell my story 200 times to save just one person, it's worth those 200 times," he said. "If you see something, say something."

He's the first to acknowledge that Cullinan saved his life; however, he gives credit to his wife, too.

"She's my coping mechanism," said Pearce. "When I tell my story, I always share my contact information so anyone needing help can reach me. I get so many messages telling me that she's an angel, a saint."

Pearce welcomes anyone who wants to talk about this issue to email him at mattpearce88@hotmail.com.

LA SCHOLARSHIP WINNER PLANS TEACHING CAREER

**By Katharine Jefcoats
Editor**

Being the child of a law enforcement officer isn't always easy but Emma Hanemann said her father's position helped mold her in a positive way.

Hanemann, an elementary education student at the University of Louisiana at Monroe, is proud of her father, Louisiana State Police Sgt. Jason Hanemann. Hanemann has 23 years' experience in law enforcement.

"It has always been an honor to be the child of a police officer," she said. "It has affected me in a very positive way and I respect everything he does for my family and the community. He has taught me to always be kind and honest with others and to always help out when I can and for that I am very grateful."

Those lessons will no doubt benefit her in her pursuit of a career as a second-grade teacher. Hanemann is one of a handful of college students across 11 divisions awarded a scholarship from Police Benevolent Foundation. She was eligible for the funds in part because her father is a member of Louisiana Police Benevolent Association.

She said the extra money is proving useful for her college expenses.

"Receiving this scholarship has been an honor," said Hanemann. "It has helped with paying for my textbooks and other school expenses. "It has allowed me to focus more on school and less on my financial needs to attend school."

Sgt. Hanemann kicked off his public service in the Marines. He cultivated service to his country into something closer to home.



Louisiana PBA scholarship winner Emma Hanemann and her dad, Sgt. Jason Hanemann of the Louisiana State Police.

"I chose law enforcement as a career because I wanted to serve my fellow man, and I always felt a need to stand up for people who can't or won't stand up for themselves," he said. "After being honorably discharged from the Marine Corps, I tried the civilian world and I missed being part of something bigger than myself, this is why I chose to serve in law enforcement -- if not me, who?"

After choosing his career, Hanemann decided on joining PBA as a way to protect him and his family.

"Being a member of the PBA has helped ease my mind and allows me to do my

job without fear of frivolous actions being taken against me for doing what's right for my community," he said. "I feel protected from the litigious world we currently find ourselves in."

Hanemann said he is proud of his daughter and excited for her own future career.

"I am very excited about my daughter, Emma, choosing a degree in education because I think that people with her morals and dedication to service are what is needed to mold our children's minds into responsible and accountable citizens," he said. "Emma has demonstrated a drive and discipline that makes me very proud as a father."



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TROOPER SEES RECOVERY AS NOTHING SHORT OF A MIRACLE



Trooper Lopez

**By Katharine Jefcoats
Editor**

It was July 4, 2020, a scheduled workday for North Carolina Trooper Arturo Lopez, when his world came crashing in on him.

Literally.

"I was assigned to shut the interstate down so the reconstruction unit could fly drones to further investigate the incident the night before," said Lopez. "I remembered being on the interstate between five and 10 minutes before being struck by my own patrol vehicle."

Lopez had draped black and yellow caution tape across three lanes of the interstate to draw drivers' attention to the fact he was on the highway.

"I recall a driver in a blue car drove through the caution tape," he said. "I remember talking to the driver about backing up his car since he ignored and drove through the caution tape."

Lopez said he recognized that he and his fellow troopers had a job to do and that staying safe themselves was paramount.

"The last memory I recall before being struck was an SUV speeding down the interstate toward my patrol car," he said. "I put my hand out to direct him to stop."

"I woke up at the hospital 14 days later," Lopez continued. "When I opened my eyes, I remembered an unfamiliar face wearing nurse scrubs and suddenly I saw my wife and she held my hand."

Lopez's injuries were such that his wife, Jennifer, was concerned he may have amnesia or brain damage. Lopez had a tracheotomy tube in his throat and could not speak.

"I remember her showing me pictures of our children and myself as she asked, 'Do you know who these children are?'" he said. "I remember nodding 'Yes.'"

As Lopez fought to survive, he learned the extent of his serious injuries and realized his very existence at that point was a miracle.

"All of the prayers to our faithful Father gave me the strength to overcome this adversity and through my faith, He saved my life," said Lopez.

When he was stronger, Lopez was transferred from the ICU to Atlanta's Shepherd Center for specific treatment of brain and spinal cord injuries. He spent 84 days at the rehabilitation clinic, and a total of 14 months from the day of the accident to his first day back on the job. Ever the family man, Lopez recalls the days in a unique way.

"It only took from July 4 from being struck on my sister's birthday to my father's (birthday) Sept. 1 when the patrol gave me thumbs-up to wear my uniform again," he said. "It was 14 months of unstoppable work from countless hours of occupational and physical therapy, and balance therapy. The struggle was nothing but love."

It is likely Lopez, 33, will not return to 100 percent fitness and physical ability but it won't be for a lack of trying. He returned to his personal gym, running and martial arts, and started cross training at Train Matthews beyond the rehab he completed at Shepherd.

"I'm not going to waste my life with remorse," he said. "I was determined to beat the odds. So, today I am left to wear



An SUV slammed into Lopez's patrol car, which then hit him.

my multitude of scars but I will continue to stand tall and proudly tell my story of faith, determination, fight, perseverance and purpose.”

Lopez said not returning to work was never an option for him.

“I refused to lose,” he said. “Instead, when I was at the Shepherd Center, I looked out my window and fueled my mind with motivation. Jennifer knew I was full of stubbornness and knew I had a purpose. I wanted to be back as soon as I could.”

As a child growing up in Union County, N.C., Lopez said he always wanted to be in law enforcement.

“It was something that I felt was in my DNA since I could remember,” he said. “Growing up, I kept my head clean to finally be where I’m at now.”

Now the father of a son and daughter, Lopez said he is grateful to be in a position to help children in less fortunate circumstances. One of his prouder moments as a trooper involved the case of a drunk driver who had her two children in the back seat at the time of the traffic stop.

“The driver was non-combative but upset with the fact her children were picked up by their grandma since their mother was intoxicated,” he said. “That to me was a proud moment for me late at night, knowing one less drunk driver was off the road and both children were in better hands that night.”

On the flip side, having a family can make his job more challenging, knowing their fear for him when he puts on that uniform and heads out to serve and protect. He was able to witness that fear play out over his 14 months of recovery.

“Seeing my wife and children in pain and fear as they watched me fight for my life and not knowing if I was ever going to come home was difficult,” he said. “Knowing that they had to witness and endure this pain for over a year was beyond difficult. Having the full support of my wife and family is what keeps me pursuing my dreams.”

Lopez, a member of NCPBA, said his



Lopez spent 14 months recuperating from serious injuries.

membership also proved a blessing at the time of his accident and recuperation. He joined PBA for “peace of mind” and to know his rights would be protected “especially in this world of uncertainty and public treatment of law enforcement.”

He was content to know that in his greatest time of need, PBA was there for him.

“I was in the most difficult times in my life, knowing the PBA was protecting me when I couldn’t do it myself,” said Lopez.

“The assistance provided as I was fighting for my life is a blessing.”

PBA also waived his monthly fees while he was on light duty.

“I would like to thank PBA for providing that support as I worked to get back as normal as I can be,” said Lopez. “I am honored to financially support this amazing association.”

He is also thankful to everyone, even strangers worldwide, who kept him in their prayers.



Lopez spent a large part of his recovery at Shepherd Center in Atlanta.



Lopez and his wife, Jennifer



Lopez with some of the people who helped oversee his recovery at Shepherd Center.

He refuses to see his recovery as anything except a miracle.

“Thank you and gracias to all those

people who prayed hard and without skipping a beat near and far,” he said. “I was being prayed for in several other

countries, too. People I didn’t know were praying for my recovery. Prayer is powerful and it works. In conclusion,

ARKANSAS MEMBER RECEIVES MONTHLY '10-8' AWARD

By Randy Byrd
Foundation and Media Relations

Cpl. Jeremy Wheelis of the Jonesboro Police Department received the "10-8" award for his heroic efforts during a suicidal barricaded subject with a firearm call Jan. 18, 2021.

Wheelis spoke to the subject on the phone for over an hour trying to negotiate with him and de-escalate the situation. Wheelis was nominated by his supervisor, who wrote the following: "The professionalism and compassion demonstrated during the negotiation is the hallmark of police officer values. Your efforts have been recognized by the community, personnel of the Jonesboro Police Department, and officers from other agencies."

The Jonesboro Police Department partners with First Community Bank to present this monthly award. Officers who are chosen by their supervisors and peers as the Officer of the Month receive a custom embroidered 511 bag for their patrol car stuffed with goodies and snacks, as well as \$108 cash presented by First Community Bank.

Wheelis is a Jonesboro native and graduated from Jonesboro High School

in 1993. After high school, Wheelis joined the Navy and was assigned to the USS Gettysburg for four years. He served with an anti-terrorist unit that was tasked with protecting Navy assets around the world.

In 2010, Wheelis became an officer with Jonesboro Police Department. During his career, he has worked on a Street Crimes Unit and been a member of the SWAT team. He also serves as a hostage and crisis negotiator and CIT officer.

"I am fortunate to be surrounded by amazing officers," he said. "I learn new things daily from so many that I work with. I am truly lucky to be a member of the Jonesboro Police Department."

Wheelis has one son, Jonathan, who attends Arkansas State University. He is in a long-term relationship with Sarah Cossey, who is a special education teacher. "She understands the dangers I deal with and is always understanding," said Wheelis. "She always has my back."

Wheelis is a proud member of the PBA.

"I became a member to have a security blanket around me in case things went bad, someone that would support me," he said.



Jeremy Wheelis and Sarah Cossey



More than 160 police suicides occurred in 2021.

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WVA NATURAL RESOURCES POLICE OFFICERS RECOGNIZED

By Randy Byrd Foundation and Media Relations

West Virginia Natural Resources police officers Randall Kocsis and Randy Cremeans were recently honored as officers of the year for 2021. Kocsis was recognized as West Virginia's Boating Officer of the Year by his agency and the National Association of State Boating Law Administrators. Cremeans was also recognized by his agency and the National Wild Turkey Federation Officer of the Year.

Nomination of Cremeans

Cremeans was nominated by Sgt. Danny Dolin. In his nomination, he noted that Cremeans has spent the last six years of his career focusing his efforts on the protection, propagation and conservation of the Eastern Wild Turkey, both in the line of duty and in his personal life.

During the lead up to spring gobbler season, Cremeans spent countless hours on early morning hikes in unfamiliar territories in hopes of locating suspected illegal turkey bait sites. During the spring season, Cremeans located 12 illegal bait sites. From those 12, 19 arrests were made. Sixteen of those arrests were for hunting wild turkey over bait, two for unlawful possession of wildlife, and one for failure to check harvested game.

Cremeans secured those convictions in three different counties. He was able to arrest numerous individuals before they were able to illegally harvest a turkey, thus preserving the resource.

In closing his nomination, Dolin said, "Officer Cremeans is a well-deserving recipient of this award. His drive, passion, community outreach and investigative techniques are a huge asset to the State of West Virginia, the sportsmen and women of this state, and to the Division of Natural Resources."

About Cremeans

Cremeans was born and raised in Barboursville, W.Va. His father is a forging press master at Hercules



Randy Cremeans (r) accepts award from Col. Bobby L. Cales

International where brake cams for tractor trailers are made. His mother is an office manager for Valley Health WIC – Women Infant Children.

Cremeans attended Cabell Midland High School and graduated in 2010. He played football in high school and earned All State Honorable mention as a linebacker. This led to a scholarship to attend Granville State College. He also received the West Virginia Promise Scholarship.

At Granville State he received his bachelor of science degree in natural resources management with a concentration in criminal justice and graduated with honors in 2014. He continues to serve on the advisory committee for natural resources management for the college.

Cremeans chose his career path because a friend of his father was a game warden.

"His story and my passion for the outdoors led me to become a West Virginia Natural Resources police officer," said Cremeans.

As a seven-year veteran of the agency he has now worked in two counties and is certified in swift water rescue. Cremeans has great respect for Lt. Dwayne Duffield who, as a sergeant, was his field training officer.

"He helped shape me into the officer I am today, particularly my passion for working turkey season," he said. "To this day, he still actively trains with and pushes me to be a better officer."

Cremeans is married to Abigail, who is a senior digital marketing strategist for Clayman and Associates in Marietta, Ohio. They have 3-year-old daughter named Piper.

In his free time, he loves being outdoors and working out. He is an avid car and motorcycle enthusiast. He has a 1969 Oldsmobile Cutlass that he and his dad rebuilt.

Cremeans joined PBA for the benefits and services.

"I joined the PBA because they were a huge asset in obtaining better pay and benefits for our officers," he said. "In addition, they provide protections in today's world where law enforcement officers seem to have a target on their back. The PBA is an organization that is for the advancement and support of officers and their families."

Nomination of Kocsis

In his nomination of Kocsis, Sgt. Michael Spangler lauded his dedication and resourcefulness in his approach to a very difficult and time-consuming boating

accident investigation. On July 18, 2020, a motorboat struck a swimmer on the Tygart River. The operator of the boat fled the scene instead of helping the person that he struck.

After a lengthy hospital stay, the young man ultimately lost his leg. The operator's decision to flee led to a lengthy investigation that involved 30 witnesses, many interviews and many hours of work that included several officers. The operator of the boat and three passengers were ultimately identified. Prosecutions for various charges were eventually successfully obtained but this required unique approaches and skillful interviews.

Kocsis took initiative to set up a meeting with the victim, the victim's family and their legal counsel to explain the facts of the case, the applicable laws and the likely outcomes in court after charges were filed. He clearly explained the limitations of the law and worked with the victim and his advocates to produce a charge package and penalty suggestion that were then relayed to the prosecution and court.

According to Spangler, "Officer Kocsis does not approach boat patrols as just a job. He takes genuine interest in educating the public and using each interaction as an opportunity to make the water safer for everyone. We congratulate Officer Kocsis on his award and thank him for all the hard work and his dedication to the anglers, recreational boaters, and citizens of the State."

About Kocsis

Kocsis was born and raised in Fairmont, W.Va. His mother, Nancy, was a registered nurse and nurse practitioner. His father, George, was a machinist.

Kocsis attended Fairmont Senior High School and graduated in 1980. While in high school, he was a member of the National Honor Society, a three-year letterman on the football team, a two-year participant on the track team. He was also a four-year participant/letterman on the chess team.

While in high school, he was selected to attend the American Legion Mountaineer Boys State Honors and

Leadership program.

After high school, he attended Fairmont State College (now Fairmont State University) in Fairmont. He graduated from Fairmont State College in 1983 with a B.S. degree in criminal justice, a National Registry of Emergency Medical Technicians certification, and a certification as a State of West Virginia Mobile Intensive Care Paramedic. He was able to complete the criminal justice degree requirement in three years by carrying full class loads and going to summer sessions. Kocsis furthered his studies at the West Virginia University College of Law and graduated in 1986 with a juris doctorate degree.

Kocsis started his law enforcement career with the FBI and became a special agent in the later part of 1986. During his time with the FBI, he worked in various assignments as an agent and supervisor throughout the United States. As a supervisor of the CJIS division, he was instrumental in moving the division from Washington to Clarksburg, W.Va. He was later appointed to serve as the first supervisor of the FBI's newly-created West Virginia Joint Terrorism Task Force in 2003. One of the highlights of his FBI career was serving as a section counselor in the 235th Session of the FBI National Academy. Kocsis retired from the FBI in 2011, after 25 years of service.

Soon after his retirement from the FBI, Kocsis started his second career with the West Virginia Division of Natural Resources Law Enforcement Section. His interest in this job started in high school when the position was known as a conservation officer.

His father further enhanced this interest by taking his brother and him hunting and fishing and teaching them respect for the laws that surrounded the tradition. During this career, Kocsis has served in two counties and as a chaplain in addition to his regular duties.

Kocsis has been married since just before he reported to the FBI Academy. He and his wife, Janette, have two daughters,



Capt. David James, Officer Kocsis and Col. Bobby Cales

Elizabeth and Rebecca. Elizabeth is a registered nurse. She and her husband are expecting their first child in June. Rebecca attends Fairmont State University where she is a member of the swim team. She also hopes to attend law school.

Kocsis and his wife make their home on a 55-acre farm in Marion County. In his spare time, he enjoys golfing, fishing, working on his farm, operating Gravely tractors, playing chess, engaging in legal discussions with his colleagues, spending time with his family, and running an O-gauge model railroad.

As a proud member of the PBA, Kocsis had these observations about his membership.

"There is always the possibility that as a law enforcement officer, you can come under unjustified scrutiny from the administrators in your agency as well as the public," he said. "That scrutiny can result in one potentially losing their job/career, having a civil suit rendered against them, being charged criminally or a combination of all three of these. When one comes under scrutiny, I know that it is best to have resources in place that are committed to looking out for your rights and best interests. I know that the PBA will be there to support me and help me navigate in an extremely stressful situation."

IMMEDIATE PAST PRESIDENT HONORED FOR 12 YEARS OF SERVICE

After 12 years at the helm, Randy Byrd made the decision not to seek re-election to a fifth term on the NCPBA board. Byrd became the president in November 2009. During his PBA years, he served as a Raleigh-Wake Chapter board member and legislative chair. He went on to develop the Cary Chapter and was elected its first president. As a division board member, he also served as the legislative chair.

As former president of the Cary Chapter, Byrd was instrumental in developing the George Almond Officer of the Year award. For 10 years, a banquet was held that honored the exemplary service of officers while remembering the sacrifice that Almond made as a Cary police officer in nearly losing his life in the line of duty. During this banquet, thousands of dollars were raised for the Police Benevolent Foundation to provide funding for families of officers who are killed in the line of duty. As division president, Byrd worked tirelessly in the General Assembly to pass legislation to improve the lives of officers while providing a voice for the members of the largest law enforcement association in North Carolina. In 2017, he was awarded a lifetime membership by the Southern States PBA board.

Byrd's work with the PBA has led to significant appointments that have given the PBA the opportunity to have input with retirement systems, improving the justice system and enhancing the law enforcement profession. In 2010, he was appointed by Treasury Secretary Janet Cowell to the North Carolina Future of Retirement Study Commission. This appointment was for 11 months. In 2012, he was appointed by Gov. Beverly Perdue to the Board of Trustees for the State and Local Retirement System. This appointment was for a four-year term. In 2015, he was appointed by Chief Justice Mark Martin to the North Carolina Commission on the Administration of Law and Justice. The commission was charged with undertaking a comprehensive review of North Carolina's Judicial System and to make recommendations for improving the



Randy Byrd honored by NCPBA board and SSPBA

administration of justice. He was proud to serve on the criminal adjudication and investigations committee. The commission completed its work and presented a final report in March 2016. In 2017, he was appointed to the N.C. Criminal Justice Education and Training Standards Commission by Speaker of the House Tim Moore. He was appointed to a second term in 2019. On Jan. 22, 2022, Byrd was recognized by the SSPBA and the board members with whom he served. Incoming President David Rose offered the following remarks.

"When I tried to find a way to quantify the level of respect we have for you, I thought of the two people you respect the most, Charlie Maddox and Jack Roberts," said Rose. "You so often express your admiration and respect for their abilities, insight and leadership. Randy, we have that same level of respect for you.

"You established expectations of excellence that will forever be your PBA legacy," Rose continued. "As you step down, you give us a cherished gift that we promise to protect with passion and to defend with diligence, and we will do all in our power to deliver it to the next

generation in pristine condition because you deserve that."

Byrd said it was an honor to work with NCPBA. "It has been an absolute honor to work with and serve the members of the North Carolina PBA," he said. "The relationships and friendships that we developed while we worked to improve the lives of officers and their families is something I will always cherish. I would encourage our members to become involved. The PBA has written the playbook on how to make a difference in your profession."

Byrd was born in Rocky Mount, N.C., and grew up in the small mountain community of Burnsville, N.C., in Yancey County. Byrd's father, James, is a retired high school librarian and his mother, Judy, was a fourth-grade teacher. Byrd started his law enforcement career with the Cary Police Department in 1992. After a 29-year career, he retired in 2021 and moved back to his home county.

He is married to Stephanie, and they have five children, Hailey, Jayme, Brooke, Ainslee and Lincoln. They have one grandson, Remington.

PBA-ENDORSED CANDIDATES VOTED TO TOP VIRGINIA SEATS

By Sean McGowan
Executive director
VAPBA

Virginia's most successful screening and endorsement season yields many friends in the legislature

On June 24, 2021, the Virginia PBA Division Board of Directors held its candidate screening process for governor, lieutenant governor and attorney general. In attendance were 27 chapter representatives from across the commonwealth.

After the screening process, during the division board meeting, those representatives voted to endorse Glenn Youngkin for governor, Winsome Sears for lieutenant governor and Jason Miyares for attorney general.

Interestingly, our invitations to gubernatorial candidate Terry McAuliffe and lieutenant gubernatorial candidate Hala Ayala were completely ignored. From the top three Democrat candidates, the only response regarding the invitation was from Attorney General Herring who advised us on the day of the screening that he was unable to attend. Herring was offered the ability to do a phone interview. This offer was also ignored. This snub by the Democrat candidates made national news. This snub also displayed the great confidence held by McAuliffe, Ayala and Herring that they were unbeatable.

Enter Glenn Youngkin.

The board recognized that the Republicans had finally put up candidates that would have their backs at a time some politicians withhold support and encourage a lack of public support for the law enforcement profession. The board voted to endorse Youngkin, Sears and Miyares, putting in motion the Virginia division's busiest screening and endorsement season in its history.

Blue Ridge Chapter President Brian Smith and his chapter board kicked off the statewide screenings in Lynchburg Aug. 19, 2021. Candidates from Virginia



Members of Virginia PBA Delegation with Attorney General Jason Miyares (center).

House districts 19, 20, 22, 59, 60 and 97 were invited, and Scott Wyatt, Matt Fariss and Kathy Byron were endorsed.

On Aug. 20, 2021, in Charlottesville, Central Chapter President Mike Wells and his chapter board screened candidates from House districts 25, 26, 30, 56, 57 and 58. Tony Wilt, John McGuire, Chris Runion, Nick Freitas and Rob Bell won the endorsements.

Aug. 25, 2021, Colonial Chapter President Ben Woodhouse and Fairfax Chapter President Ali Sohelian and their chapter boards held screenings for House of Delegates candidates in Williamsburg and Fairfax respectively. The candidates screened at these two events were those running in 28, 29, 31, 35, 36, 41, 42, 43, 86, 87, 83, 85, 89, 91, 92, 93 and 98 districts. Hans Copeland, Karen Greenhalgh, Martha Mugler, Tim Anderson Jordan Gray, Tara Durant, Ed McGovern, Maureen Brody, Matthew Lang, Greg Moulthrop, Ben Baldwin, Brenton Hammond and Julie Perry were endorsed.

In Wytheville, Greater Southwest Chapter President Ron Holt and his chapter board held a screening for House of Representatives Districts 5, 7, 9, 11, 12, 14 and 17.

This Aug. 26, 2021, screening resulted in endorsements of Israel Oquinn, Jason Ballard, Marie March, Sam Rasoul and Wren Williams.

In Mechanicsville, near Richmond, on Aug. 27, State Police Chapter President Dan Garasimowicz and his board screened House of Representatives districts 61, 62, 63, 66, 71, 72, 75 and 88. Candidates Carrie Coyner, Mike Cherry, Phillip Scott, Kim Taylor, Otto Wachsmann and Chris Holmes won their endorsements.

In response to many candidates reaching out to the Virginia PBA, we scheduled another screening Sept. 27 in Mechanicsville. Districts 2, 49, 64, 65, 69, 84 and 95 were screened resulting in endorsements for Glenn Davis, Emily Brewer, Terry Modglin, Sheila Furey and

Tanya Gould.

SSPBA policy allows a division to re-endorse a candidate who has previously screened for the same position. Our re-endorsed candidates enjoyed a 100% record of reelection. We congratulate delegates Amanda Batten, Les Adams, Will Morefield, Jeffrey Campbell, Michael Webert, Ronnie Campbell and Joe McNamera.

In all, the Virginia Division screening process yielded 35 candidate victories Nov. 2, 2021.

The endorsements and victories were predominantly Republican, which led to some statements about the PBA's endorsement history being one-sided. This could not be more incorrect. Over the past decade and a half, I have experienced a nearly 50/50 split of endorsements between the parties in Virginia screenings. This year was different.

PBA policy dictates that if a candidate does not respond and participate in our screenings they cannot be endorsed. A number of Democrat candidates, some previously PBA-endorsed, did not show the common courtesy to respond to our invitations or even discuss with us the reasons they would not attend our screening process.

It is an absolute shame that previously PBA-endorsed and elected candidates considered a meeting with law enforcement professionals an election liability.

Their silence screams out their anti-law enforcement position and, as the pendulum swings back in favor of public safety and law enforcement support, we hope to see sanity come back into our legislative process.

Many of the extremists were voted out and those who remain will hopefully see that the people they serve want to have that group of officers and deputies on the front line to protect them and their families as they work and live in this great state.

The Virginia PBA is encouraged by the response to our political screenings and endorsement process, which many



Members of Virginia PBA Delegation with Gov. Glenn Youngkin (center).



Members of Virginia PBA Delegation with Lt. Gov. Winsome Sears (fourth from left).

candidates tell us is the most productive and professional process they have ever experienced. We look forward to working with all of our endorsed

candidates and building on the strong foundation laid out by our political screenings and endorsements that took place in 2021.

MEET RIVER VALLEY PBA CHAPTER PRESIDENT JAMIE GRAY

By Randy Byrd

Foundation and Media Relations

Arkansas member Jamie Gray is in his second term as the president of the River Valley Chapter.

The River Valley Chapter encompasses Johnson, Pope, Logan and Yell counties. The members of this chapter are employed by 23 agencies across the four-county area. Gray originally became a member because he appreciated what the PBA offers its members. He was also drawn to the professionalism that the PBA displayed when representing these members.

Membership, however, was not enough for Gray. The River Valley Chapter had been placed into receivership and was not able to offer additional benefits that an active chapter can provide its members. Gray realized that having an active chapter was imperative for the members. He started talking to fellow members and a steering committee was formed.

Further work led to organizational meetings and getting the committee up to date on the by-laws and how to conduct an election. Gray's leadership skills became evident during this process by those on the steering committee and he was eventually elected president of the chapter.

Since the chapter became compliant, they have conducted candidate interviews and endorsed candidates for elected office. They also set up committees to address member grievances and increase membership. None of this would have been possible without Gray's leadership and desire to improve the lives of officers and their families. His fellow board members feel the same way.

Scott Harper serves as senior vice-president on the board and was instrumental in getting the River Valley Chapter where it is today. He said he appreciates Gray's ability to analyze problems and his inclusiveness in consulting with fellow board members



Gray with his wife, Dena, and their son, Wyatt.

for input.

"He's a strong leader that takes his position seriously," said Harper.

Vice President Thomas Cunningham not only serves with Gray on the board but in the same agency.

"Jamie has taken me under his wing and helped me navigate the field of law enforcement," Cunningham said. "I could not ask for a better leader at work or as president of our chapter. I have the utmost respect for him not only as a leader, but as one of the best people I know."

The same holds true for his secretary, Sherry Thomas.

"He is an exceptional man and leader who I look up to in both my law enforcement career and as the leader of our board," she said. "You couldn't ask for a better person."

Born in Russellville, Ark., Gray graduated from Pottsville High School in 1996. He was a percussionist in his high school band. Gray started with the Pope County Sheriff's Officer right after

high school as a jailer.

Two years later, the U.S. Army came calling. He served in the infantry and the military police during his service to our country.

While serving with the military police, he was an investigator and spent time working narcotics as part of a drug suppression team.

His time as a soldier came with numerous accolades for his service. Gray was decorated with the Kosovo Campaign Medal, two Commendation Medals, two Achievement Medals, the National Defense Service Medal, the Armed Forces Expeditionary Medal and the NATO Medal.

When he finished his military career, he returned to the Pope County Sheriff's office. In addition to his work as a jailer, Gray served as a bailiff, a civil processor, has conducted prisoner transports and served as a patrol deputy. He serves as lieutenant on patrol and is a sniper on the SWAT team.

Dedicated to the education of fellow officers, he also serves as firearms instructor. He has completed course work in leadership through the University of Arkansas's Criminal Justice Institute.

Gray credits the late Sheriff Jay Winters as the most influential person in his civilian law enforcement career. Winters held the seat for 19 years.

"He was active at our church and was grounded in his faith," said Gray. "Although I owe credit to many great law enforcement officers, Sheriff Winters was definitely at the top. He was definitely a man I could look up to."

Gray is married to Dena, who is an accountant. They have one son, Wyatt. Their faith as Christians is a central part of their lives.

As a classic car enthusiast, Gray has a 1969 Chevy that he has spent years restoring. He also is an avid outdoorsman and equine farrier.

DAVID ROSE: THE NEW NORTH CAROLINA DIVISION PRESIDENT

David Rose was elected Jan. 22, 2022, by the PBA Board of Directors as the North Carolina Division president during its annual board meeting in Cary.

Longterm President Randy Byrd, who served 12 years in the role, decided to not seek re-election.

David Rose was born in Fort Oglethorpe, Ga., and was raised in east Tennessee and southwest Virginia. He is one of seven sons, and he has a twin brother. Rose graduated from Kingsport Christian High School in 1989. While attending high school, he lettered in basketball, baseball, soccer and track.

After high school, Rose attended college at what is now Piedmont International University in Winston-Salem. While there, he met his wife, Nichole. Rose would go on to earn his bachelor's degree in management and ethics from John Wesley College.

The Roses have been married 28 years. Nichole Rose is a lifelong educator and serves as the director of Leadership Development for the Winston-Salem/Forsyth County school system. They have two sons, Tyler Rose (wife Sydney, son Wyatt) and Austin Rose. Tyler Rose is a police officer in King, N.C., and Austin Rose is a firefighter for the Winston-Salem Fire Department.

David Rose began working for the Winston-Salem Police Department in August 1995. While there, he has served as a patrol officer, foot patrol officer, robbery detective and a homicide detective. He was promoted to sergeant in October 2006, and he served as a supervisor of one of the agency's two vice/narcotics squads.

Rose was promoted to lieutenant in 2017 and served as a patrol lieutenant before being transferred back to the department's vice/narcotics unit where he currently serves as the unit's only lieutenant.

In fall 2015, Rose chaired the steering committee that re-established the Winston-Salem Triad Chapter of the NCPBA. Under Rose's leadership



NCPBA President David Rose

as president, the chapter began to participate in and hold its own candidate screenings. These screenings resulted in several endorsed city council candidates being elected to office. His continued commitment to the PBA process led to him forming working relationships with council members and local state representatives.

Rose's dedication to the members he represents was instrumental with the Winston-Salem City Council passing a 5% pay incentive for WSPD officers who are veterans of the U.S. military.

Another example of Rose's work occurred in June 2020 when a council member proposed re-allocating \$1 million from the budget away from the Winston-Salem Police Department.

Rose was on vacation at the beach but took time out to contact council members on behalf of the members that he represents. His efforts led to the monies remaining in the police budget.

Rose has also worked to support candidate screenings around the state and regularly visits the N.C. General Assembly to speak with legislators about PBA legislation.

In March 2019, Rose was elected secretary of the NCPBA. In 2017, N.C.

Attorney General Josh Stein appointed him to serve a three-year term to the N.C. Criminal Justice Education and Training Standards Commission. In 2021, Speaker of the House Tim Moore appointed him to serve a two-year term.

Rose is joined on the NCPBA executive board by Wardell Williams, who is serving as senior vice president. Williams also serves as the president of the Corrections Chapter. Steve Anthony is the president of State Law Enforcement Chapter and will serve as vice president. Rick Tullis, the president of the N.C. Mountain Chapter, will serve as secretary. As Rose assumes his new role, he offered the following thoughts about his election and his vision for the future.

"It is the honor of my lifetime to have been chosen to serve in this capacity," said Rose. "I am excited about continuing the phenomenal work the PBA has done in North Carolina.

"I plan to work tirelessly to continue to develop chapters across the state, to grow our membership, and to aggressively pursue a legislative agenda that addresses early retirement options, PTSD, whistleblower protections, due process for Giglio and disciplinary matters, and a permanent seat for the PBA on the N.C. Criminal Justice Education and Training Commission," Rose continued.

SAVING LIVES LEADS TO AWARD FOR ARKANSAS MEMBER

By Randy Byrd
Foundation and Media Relations

Officer John Aska was named the Searcy Police Department's Patrol Officer of the Year for the second year.

According to an article in the Jan. 5, 2022, edition of *The Daily Citizen*, "Officer Aska seems to always be in the right place at the right time when it comes to the case of an overdose," said Searcy police Chief Steve Hernandez. "He has saved multiple lives with his NARCAN use and training.

"Officer Aska goes above and beyond what is expected of him for his everyday job duties," he continued. "Not only is he on the executive board for the Arkansas Law Enforcement Torch Run, he is one of our firearms instructors, a member of our Special Response Team, a field training officer and a Central Arkansas Law Enforcement Academy instructor who is always training our guys and other agencies' guys, making them better."¹

The article from *The Daily Citizen* continued, "Aska's immediate supervisor, Sgt. Matt Higgins, said that Aska 'had six live-saving awards [last] year' and also received the J.R. Thomas Policeman's Award from the Searcy Rotary Club.

"Everybody needs a John Aska," said Higgins. "Fortunately for me, I've got him, but everybody could do well in having him. He shines bright for me and he's hard to beat. It's no surprise to me."

Aska is a Searcy native and is giving back to the community he grew up in. He graduated from Searcy High School in 2004. During high school, he was regularly active in several clubs to include the Fellowship of Christian Athletes, Future Farmers of America and the Key Club. He also played football as a defensive tackle and was a discus thrower for the track team his junior year. He was voted prom king in his senior year.

Aska continued his education after high school and received a bachelor's degree in criminal justice from the University of Arkansas in Little Rock in 2009.



Searcy police Officer John Aska accepts his Officer of the Year award.

In 2011, he started his career in law enforcement as a detention officer with the Benton County Sheriff's Office. He later worked for the White County Sheriff's Office in the same role and became a corporal before starting with the Searcy Police Department in 2013. He graduated from Arkansas Law Enforcement Training Academy in Camden in August 2014.

Aska is married to Nikita and they have three children. He met her when they were a bridesmaid and groomsman in a wedding when he was senior in college.

"Nikita is the example of what a police officer's wife should be," he said. "She's always been there for me. She is my rock that can bring me back to the real world after a rough case or difficult day at work. I could not have done any of this without her. My family is my 'why' and what pulls me through those tough times."

Aska loves being outdoors and hunting and fishing when he can. Even in his off-duty time he works to improve himself professionally through Brazilian Jiu-Jitsu and weightlifting.

He also enjoys the writings of Jocko Willink, a former Navy Seal turned author. Aska uses his book, "Extreme Ownership: How U.S. Navy Seals Lead and Win" as a template for life.

The PBA is impressed by the accomplishments of Aska and appreciates him as a member. He became a member when fellow officers encouraged him to join.

We are glad they did.

¹Geary, G. (2022, January 5). "Aska repeats as Searcy Patrolman of Year," *The Daily Citizen*.

PROTECTING KY MILITARY BASE FALLS TO PBA MEMBER SWEARER

By Randy Byrd
Foundation and Media Relations

Fort Knox, Ky., encompasses 109,000 acres in three Kentucky counties. It is a certified city which is the sixth largest urban community in the commonwealth.

Hundreds of military families and retirees live in the surrounding communities. Fort Knox was established in 1918 as Camp Knox (named for Maj. Gen. Henry Knox, the first secretary of war) and it became a permanent military post in 1932.

After beginning as an artillery training center and then serving for nearly 80 years as the Home of Cavalry and Armor, Fort Knox uniquely boasts the sole responsibility for all soldier career management, from swearing-in to departing service.

The Gen. George Patton Museum of Leadership is also on the base.

Despite what most people believe, gold is not stored on the military installation. Instead, it is housed nearby at the U.S. Bullion Depository on property that was transferred from the base in 1936.

Policing this military installation falls to PBA member and police Deputy Chief Alex Swearer. Resources are blended for this. The soldiers who are part of the military police attachment handle soldier-related matters, but operational control falls under the police department.

The police department is led by an Army officer in charge of the civilian division leadership. Swearer oversees all the military and police patrols on the installation and the training section on this unified team.

Swearer said military policing is like municipal policing in almost every aspect.

“We are a full-service police agency enforcing traffic, criminal and



Deputy Chief Alex Swearer

administrative laws at the federal level,” he said. “The priorities for my division are community policing and force protection along with training and professional development.”

The primary focus of policing on a military installation is to protect the soldiers, support personnel and the families that live on the post. Swearer takes this part of his job very seriously.

“Having been deployed, I understand the importance of knowing my family is safe and if my team can impart that peace of mind to our service members, then we are doing our job,” he said.

Swearer is from Wilmington, Del. His mother was disabled and struggled with medical issues and addiction for years. His dad was a salesman who started a medical supply company. His parents divorced when he was 4, but they spent many years in court fighting for custody of him.

He filled his childhood with baseball and building things in woodshop to deal with what was going on in his life.

In high school, Swearer decided he needed to get away from the life he was in and dropped out during his junior year. He moved out of his grandparents’

home, where he was staying with his mother, and went to work to support himself. He later got his GED. It took Swearer a few years to get on the right path and the Marine Corps became his saving grace. His 23 years of active and reserve duty led him to four deployments, higher education and eventually to military policing.

His grandfather was an MP in World War II, and he was always drawn to the job. This became a reality in 2001. He earned a bachelor’s degree in criminal justice,

a master’s degree in homeland security, and he is working on his doctorate in criminal justice.

While on active duty in North Carolina, he attended a civilian police academy and later spent some time in municipal policing. This enhanced his knowledge and gave him experience for the role he is in today. In 2021, he assumed his role at Fort Knox.

Swearer credits his success to a number of influential leaders throughout his career, but his greatest influences have been the men and women who have worked for him over the years. He includes his wife, Jessica, and his children, Shane, Justin and Kayla, on this list.

“I continually challenge myself physically and mentally to ensure that I am giving my best to those that depend on me, at home and in uniform,” he said.

Sources: U.S. Department of Defense, U.S. Army Fort Knox, Encyclopaedia Britannica

CITIZEN THANKS WVA PBA MEMBER FOR SAVING HIS LIFE

By Randy Byrd
Foundation and Media Relations

The night of June 11, 2021, started like many others for Officer Brandon Hoehn who works for the Wheeling (W.Va.) Police Department. He and fellow officers were briefed by their supervisor on the latest activities in the city before beginning their shift. As he exited roll call, a call came out that would forever impact him and the man whose life he saved.

According to an article in the Feb. 21, 2022, edition of *The Intelligencer/News-Register*, Diana Flowers said she was taking her husband to a local hospital when he became unresponsive. She said she pulled off in a business parking lot and called 911 while performing CPR on her husband. The location was just two blocks south of Hoehn's location so he and other officers responded to the scene. He went to this call as a certified EMT who had worked for EMS for many years.

As he arrived, a fellow officer was in the process of removing Garland Flowers from his car and he assisted him before they began CPR. Once the fire department arrived, Hoehn continued chest compressions until they could take over. Flowers was unresponsive when he was transported from the scene. As is often the case, officers may never know the outcome of a medical emergency they respond to. By the end of shift, Hoehn did not know whether Flowers had lived or died.

This would change, however, a few months later. On Aug. 4, Hoehn was taking part in the department's National Night Out event.

The Intelligencer/News-Register article stated that Garland and Diana Flowers came to the event in hopes of finding and thanking the officers who saved his life.

They spoke to Chief Shawn Schwertfeger, and he determined that



Photo by Scott McCloskey of *The Intelligencer*, *Wheeling New Register*

Diana and Garland Flowers with Officer Brandon Hoehn

Hoehn was one of the officers. The chief told Hoehn that he had a surprise for him and then led him to the Flowerses.

The article from *The Intelligencer/News-Register* continued, "If he had not showed up when he did, I wouldn't have made it," said Garland Flowers, shortly after having the opportunity to meet Hoehn.

Hoehn was born and raised in Pittsburgh, Penn., and graduated from Pine Richland High School in 2005. He later graduated from LaRoche College with a bachelor's degree in criminal justice in 2009. He received a master's in emergency management in 2012.

Hoehn always wanted to be a police officer but worked in the fire and EMS field for 14 years before starting with Wheeling PD. He has been with the agency for several years and is a School Resource Officer. He will soon combine his EMS and police experience by becoming a medic on the SWAT team.

Hoehn is married to Melanie, who is a paralegal. They have a 5-year-old son, Jaxson, and a 15-year-old daughter, Kearia. Spending time with his family is one of the things he enjoys along with helping his son with the Boy Scouts. Hiking, kayaking and other outdoor activities round out the list.

As a valued member, Hoehn offered this assessment of why he chose the PBA.

"I wanted to be part of an organization that truly looks out for those that serve in law enforcement," he said.

PBA is glad he made that choice, as are the citizens of Wheeling that he chose to serve.

¹McCloskey, S. (2022, Feb. 21). National Night Out event in Wheeling helps build stronger community. *The Intelligencer. Wheeling New-Register*.

KY PBA MEMBER RECEIVES MERITORIOUS SERVICE AWARD

By Randy Byrd
Foundation and Media Relations

Officer Dillon Blair of the London (Ky.) Police Department received the Meritorious Service Award in May 2021. The award was for actions that he and other officers took when responding to a call Oct. 1, 2020.

On that day, Blair and other officers intervened on a shoplifting call. The suspect had been identified by a store clerk and had gotten into his vehicle. As Blair and another officer approached, the vehicle fled the scene. Blair swerved his vehicle to get out of the way, while the suspect continued to flee.

During this encounter another police vehicle was struck. A pursuit ensued as the suspect continued to drive recklessly and to evade officers. A rolling roadblock was initiated by officers to keep the suspect from further endangering the lives of others.

The vehicle was eventually stopped, but when officers went to get the suspect out of the vehicle, he put the vehicle in reverse and tried to flee again. His actions continued to put officers in danger when he struck another police vehicle. Officers were finally able to take him into custody.

According to the city of London website, London is in Laurel County and has over 8,000 residents. The police department reports that they have 28 officers who answered 10,349 calls for service in 2021.

Blair is a London native. His mother is a nurse at the local hospital and his dad works for the street department for London. His sister is also a nurse.

Blair attended North Laurel High School and graduated in 2012. In high school, he was a member of the Future Farmers of America and played golf. He received the Star Green Hand Award and the JV Leadership Award during his time in high school.

During high school, he volunteered with the London Laurel County Rescue



London police Officer Dillon Blair

Squad. He won two awards for his dedication and hard work with them. He also joined the London Fire Department and was named Fireman of the Year in 2013.

His passion for emergency services led him to become a 911 dispatcher in 2013, and he moved to the other side of the radio in 2018, when he became a police officer. Blair is a K-9 handler with a partner named Dora. In addition to his Meritorious Service Award, he has also received the Professional Esteem Award from his agency.

Blair was inspired by the chief who hired him. Chief Derek House taught him that people will make mistakes from time to time but it's what they learn from those mistakes and preventing them in the future that are important.

Blair is married to Sarah, who is manager of speech and language pathology at Alexander and Associates in London. Church, hunting, firearms and working on the family farm are all part of down time from work.

He also continues his work with the London Laurel County Rescue Squad where he serves as a lieutenant.

Blair became a PBA member because he knew other officers that had been members for years.

"With everything going on in the world today, I decided I needed to be a member of an association that would look after my interests," he said.

We are glad he made that decision, and we are proud of his dedication and service.

KENTUCKY MEMBER SERVES SMALL AGENCY IN A BIG WAY

By Randy Byrd
Foundation and Media Relations

Lincoln County, Ky., is in the south-central part of the state and was originally one of the first three counties formed in what would become the commonwealth of Kentucky.

The Lincoln County Sheriff's Office employs 10 full time and 10 reserve deputies to serve over 24,000 residents. Smaller agencies traditionally must do more with less as they serve their communities and must rely on extraordinary officers to accomplish this.

Sgt. Michael Mullins is one such example. He has been with the agency for nine years, first as a special deputy and then a full-time deputy.

Finding funding resources is critical for a small agency. Applying for and receiving grants can be part of this process, but the grant writer must provide diligence in a competitive arena. Mullins has proven to be invaluable in this area, as he has secured over \$300,000 for his agency. These grants have secured body armor for deputies, automated external defibrillators to save lives and radios for better communications in the field.

One of these grants became personal for Mullins in 2018 when he wrote a grant and worked with the community to purchase an additional K-9 for the department. These efforts led to a black female Labrador named Luma, who was trained in tracking, narcotics and article searches. Luma became Mullin's partner and friend.

Since that time, he and Luma have located and seized thousands of dollars and illegal drugs from the streets. They have also apprehended fleeing suspects and rescued a victim who was badly injured in a wreck before being separated from his vehicle.

Their efforts have also led to finding evidence as well as finding a police officer's glasses that were lost in a foot



Sgt. Mullins and K-9 Luma

pursuit. Luma lives with Mullins and is part of his family and is, according to Mullins, "a big baby until it's time to go to work."

With small agencies, officers must serve in various capacities to manage the workload. Mullins is aware of the demands. In 2020, he transitioned to a newly-created position as a narcotics investigator where he primarily focused on street level drug cases. He still serves in this role; however, he was promoted to sergeant in July 2021. He is now in charge of the K-9 unit, department equipment and drug investigations while also overseeing the patrol division.

In addition to these duties, Mullins was recently asked to partner with Blue Grass Community Action Partnership as a member of the task force for the Inspire in the Grass Project. The purpose of this project is to analyze the recovery system in Garrard and Lincoln counties to identify barriers for workforce entry and re-entry for individuals in recovery from substance use disorder.

The task force will work to determine gaps in job training, job placement and wraparound services necessary to provide a more successful recovery for both individuals and the community. The members of the task force will also work to build new partnerships and strengthen existing relationship with community partners and regional employers to increase awareness and the critical need for job opportunities for those recovering.

Mullins has a strong passion to rid the community of illegal drugs and get help to those he can.

"Drugs don't discriminate," he said. "They have affected my family as well as other families. If I can help someone who is struggling with addiction, I will."

That is why he wanted to start the Fresh Start program with his agency. The program, modeled after other agency initiatives, allows for people struggling with addiction the opportunity to come forward and get into a rehabilitation

program, instead of death or arrest being the only options available to them.

Mullins was born in Danville, Ky., and lived in that area until the fifth grade. His family later moved to Garrard County and he graduated from the county high school in 2009.

His dad is an EMT who works as a deputy sheriff with the same agency. His mom stayed at home and raised Mullins and his three sisters. Two of his sisters are in health care and one works in a factory and owns a farm.

In high school, he participated in the Safety Club and vocational school. One project led him to build a remote-controlled fire truck that was fully functional with lights, sirens and pumping water. He also was a Junior Fighter during high school and earned his EMT certification during his senior year. He later became a licensed paramedic.

His efforts during his career have led Mullins to receive widespread recognition for this public safety work. He has been awarded the Lincoln County Chamber of Commerce First Responder of the Year Award, the Kentucky Occupant Protection and Impairing Driving Enforcement Award, Deputy of the Year Award for his agency, the Above and Beyond Award from Lincoln County EMS and the Firefighter of the Year Award from the Lincoln County Fire Department.

Mullins is married to Morgan. They reside in the small rural community of Preachersville. They have one son, Micah, who is 2 years old. Morgan Mullins works as a CMA for a doctor's office.

In his spare time, Mullins enjoys camping and spending days on the lake. He likes spending time on his RTV and taking Micah fishing. As a hobby, he likes to upfit emergency vehicles with lights, sirens and radios.

Mullins became a PBA member because of the national views toward law enforcement.

"My department has always stood behind us; however, I wanted that added

sense of protection knowing that I had a legal team standing by to help me out," he said.

He was referred to the PBA by a deputy at another agency that did not have

the backing of his department and had to pay thousands of legal fees out of pocket. The PBA is proud to have such an outstanding member and we are looking forward to following the rest of his career.



Sgt. Mullins and dad Mike



Sgt. Mullins with wife Morgan and son Micah

SGT. MICKEY HUTCHENS ACT ALLOWS FOR EARLY RETIREMENT

By David Rose
NCPBA president

Shortening law enforcement retirement years of service requirements has been proposed by different legislators in different sessions.

Officers serve 30 years to receive full retirement benefits from a system they pay into.

Earlier this year, North Carolina state Reps. Jeff Zenger, Erin Paré, Donny Lambeth and Jon Hardister filed HB 417 (Sgt. Mickey Hutchens Act) at the request of the PBA.

This legislation is grounded in studies that show the life expectancy of law enforcement and corrections officers is less than the general population.

Other states throughout the country require fewer years of service but support for these bills in our state have died, in part, because of the lack of budget support by the General Assembly.

There is a provision in the retirement system that allows a law enforcement officer who is a military veteran to purchase years of service based on their first enlistment. This allows the officer to retire earlier depending on how much service time is purchased.

Using this as a template, the PBA began to work on setting a standard of achievement that would require the officer to meet certain requirements before they were allowed to purchase service time.

The advanced certificate administered by the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs Education and Training Standards Commission became that standard.

The advanced certificate is awarded to law enforcement, and corrections and probation officers, who have completed a number of years of service, training hours and college education



Rep Jon. Hardister speaking to a legislative committee

requirements. It is the highest honor that an officer in North Carolina can receive.

The advanced certificate is a catalyst for creating a better trained and educated officer.

Under the provisions of HB 417, an officer who is vested in the retirement system with five years of service and achieves their advanced certificate would be able to purchase up to four years of service time using funds from their 401(k).

This would allow officers to retire with 26 years of service instead of 30 years.

The legislation would also serve as a recruitment and retention tool for agencies in the future. Agencies across North Carolina are seeing an unprecedented drop in candidates and vacancies are at an all-time high. Opponents say that the Hutchens Act will result in a significant loss of veteran



Rep. Erin Paré



Then-NCPBA President Randy Byrd with state Reps. Zenger, Hardister and Paré after committee hearing

Forest University Baptist Medical Center. Clark survived his injuries and was released from the hospital. Days later, despite all efforts by medical staff, Hutchens died from his injuries.

Hutchens had been a 27-year veteran of the Winston-Salem Police Department and a valued PBA member. He is survived by his wife, Beth, and two daughters, Jill and Leah. The family now has three grandchildren that Hutchens never got to meet.

In April 2021, House Pensions and Retirement Committee heard the bill in a hearing attended by several PBA leaders and staff. Zenger introduced the bill to the committee members. He explained that the bill would allow officers to participate more aggressively in their retirement and would encourage

officers that will suddenly be eligible to retire.

The PBA realizes some eligible officers will take advantage of this benefit, but believes the costs associated with purchasing service time late in a career will make it cost-prohibitive for most.

The real concern for agencies in the future will be retaining the experienced officers who are not close to retirement.

These officers have expressed to the PBA that they would remain in the profession if this act became a law. The retention of these veteran officers will far outweigh any losses sustained by the departure of the few that will immediately retire upon eligibility.

HB 417 was named in honor of Sgt. Mickey Hutchens. On Oct. 7, 2009, Hutchens was shot outside a restaurant after he responded to a call reporting a disturbance. The restaurant's manager reported that her ex-husband, who had outstanding warrants for his arrest, was at the restaurant and would not leave.

The suspect fled from officers and then opened fire at close range when confronted. The suspect shot Hutchens in the head and shot Officer Daniel Clark in the head and the chest before being fatally wounded himself.

Both officers were transported to Wake



Rep. Jeff Zenger

them to get more training and further emphasized the toll that a long career takes on an officer and how HB 417 will give them the option to retire earlier.

He also emphasized that the actuarial study completed on the bill, showed no material impact to the retirement system. In his closing comments, Zenger said, "I think (417) is a great opportunity to really help our police officers."

Leo John with the League of Municipalities spoke on the additional costs of the separation allowance to local governments if the bill passed. According to John, officers retiring earlier would mean that the separation allowance would be paid earlier, thus putting a burden on the municipalities.

He said the actuarial that would cost each of his members \$190,000 in 2027/2028 for a total of \$2.9 million and suggested that legislature work to reduce this cost. Realistically, however, the separation allowance is already paid for through legislation that was passed in the mid-1980s.

Then-President Randy Byrd spoke about the incredible incentive for younger officers to get their advanced certificate through education, training and experience, "This is the highest honor you can get as a law enforcement officer."

Byrd then spoke about the difficulty of attracting future officers to the profession.

He said, "This (HB 417) provides them an incentive for them to get in the business, get higher education and be able to look down the road and know they have an option where they can get out earlier."

He closed with a plea on behalf of Hutchens and how his loss of life might have been prevented. Byrd asked committee members, "Why is that relevant to this bill today?"

He explained that Hutchens was just shy of his 28th year in law enforcement, had his advanced certificate and would have been eligible to retire under this new legislation.

"He could have chosen possibly to not be



The grandchildren of the late Sgt. Mickey Hutchens

in that situation," he concluded.

Primary sponsors Hardister and Paré also spoke on the bill.

"I would just implore the members of the committee to think about the cost, physical and emotional, on these law enforcement officers," said Hardister. "It is a very difficult job. It is a very arduous job. I think that if you look around the state there is a bit of an issue with recruitment and retention. I think this would help with that and this would be a great benefit for the men and women who work to protect our safety."

Paré added, "There has been outpouring of support among my constituents and statewide among officers and I would appreciate your support of this bill."

After the remarks, primary sponsor Donny Lambeth made a motion for a favorable report and re-referral to the Appropriations Committee.

Once referred to the Rules and Operations Committee in the House, HB 417 passed unanimously and on May 6, HB 417 came to the House floor for a vote. Zenger once again spoke on the bill.

Afterward, the bill passed by a 112-0 vote. The bill has now moved to the Senate and sits in the Rules Committee awaiting a hearing.

The PBA would like to thank the bill sponsors for their hard work on this critical piece of legislation and all the House members that voted for the bill in both committees and on the House floor.

KNIGHTS OF COLUMBUS RECOGNIZES SC MEMBER

By Randy Byrd
Foundation and Media Relations

The Bishop England Assembly #1072 Chapter of the Knights of Columbus in Columbia, S.C., recently recognized Sgt. Tim Baire as its 2021 Officer of the Year.

Baire works for the Columbia Police Department. He is assigned to the southeast region of the city as the supervisor of the Community Response Team.

Baire was nominated by three of his superiors, Lt. Fred Bryant, Lt. Daniel Wesley and Capt. Paul Blendowski.

In their nomination, they spoke of the challenges that the agency has faced with a pandemic and staffing shortages and how Baire has gone beyond his official duties to assist in many ways. As part of his duties, he collaborates closely with the community to attend community meetings and community events throughout the southeast region.

The work schedule for this unit involves days, nights and weekends, and can change at any time. Baire is also tasked with overseeing Five Points, a popular entertainment area for college students. This normally has him working most nights and weekends in the area. On top of these duties, he also oversees the bomb squad and must coordinate and attend training with this unit.

The nominators also highlighted how Baire stepped up to fill in for patrol squads that needed a sergeant during a shortage of supervisors, and how he had organized and participated in operations to address property crimes in various communities. They noted how he has embraced these challenges without complaint and how his actions demonstrate his dedication to the department.

In closing their nomination, they had this to say about him, "Sgt. Baire throughout this year has maintained a positive attitude and it is greatly appreciated."



Sgt. Baire with his family and Chief Holbrook

Baire was born in Buffalo, N.Y., and was raised in Olean, New York. His father ran a grocery store and his mother worked at the Ethan Allen factory. He graduated from Portville Central High School in 2002. During his high school years, he became an Eagle Scout.

After high school, he attended Jamestown Community College and received his associate degree in criminal justice in 2006.

Baire always saw himself being in law enforcement with a goal of becoming a K-9 handler. This dream became true when he was hired by the Columbia Police Department after college. He attended the South Carolina Criminal Justice Academy and graduated in 2007.

During his 15-year career, Baire has

served in numerous assignments to include working patrol, Pro Active Community Enforcement Team, field training officer, corporal, bomb K-9 handler, bomb technician, sergeant and bomb commander.

Baire is married to Ashley, and they have three children, Adysen, 13, Jacob, 11, and Ava, 6. Both of his girls do tap dancing and jazz, and his son plays youth hockey.

Before joining PBA, Baire did research on associations that support law enforcement officers. He wanted to be part of a larger family, which factored into his joining PBA.

"Having the peace of mind knowing that the support was there in case of a major incident helps me get through each day," he said.





RACE4^{THE}FALLEN

Glow Run
#R4TF

The Race for the Fallen Glow Run benefits the families of fallen law enforcement officers through the Police Benevolent Foundation. The race is a great opportunity for your chapter and members to come together with citizens in the community for a **GLOW**ingly awesome night of fun for a great cause.

To bring the race to your area, please contact **Justin Blackburn** at jblackburn@sspba.org.

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

RACEFORTHEFALLEN.COM

PBA OF GA MEMBER HONORED FOR ACTIONS THAT SAVED LIVES

By Randy Byrd
Foundation and Media Relations

Officer Joshua Box of the Valdosta Police Department was recently named Officer of the Year by the Rotary Club of Valdosta for actions he took July 12, 2021.

On that date, Box was dispatched to direct traffic for the power company due to a severe storm that had downed power lines. The fire department also responded to the scene. Before traffic flow could be stopped, a tractor-trailer hit a guide wire that snapped the power pole in half. The pole was thrown onto Box and several firefighters, knocking them unconscious and dragging them down the roadway 43 feet.

Box was struck on the left side of his face by the pole and suffered a concussion and a fracture to his nose. The pole also caused a dislocation of his shoulder and torn tendons. The firefighters also suffered severe injuries, including one who lost his leg at the scene.

Box lost consciousness but came to and was able to call for assistance. His alert to the dispatcher resulted in a quick response of all first responders to the area.

When these first responders arrived on scene, Box was found checking on the firefighters.

Officer Alan Christopher, who heard the radio traffic, was one of the officers who responded. Realizing the firefighters were receiving treatment, he took Box to his patrol car and seated him so he could be monitored. Box was adamant that the EMS units were there for the firefighters and, with that, Christopher transported him to the hospital in his car.

"I believe that because of Officer Box's call for assistance, he saved one of the firefighter's lives," said Christopher.

Chief Leslie Manahan echoed Christopher's comments.

"Because of his actions, first responders



Officer Box, third from left, at awards dinner.

were on the scene in seconds, providing lifesaving measures," she said.

Manahan went to visit Box the next day in the hospital. He told her that he felt bad for his fellow officers because they were having to answer calls on his beat. He wanted her to bring him a radio so he could take reports over the phone. Manahan said, "Officer Box is an amazing officer."

Serving the citizens of Valdosta has been a natural progression for Box, since he is a native of the city. He graduated from Valdosta High School in 2010 and then attended Valdosta State University where he studied business administration.

He chose to enter the law enforcement profession because he always wanted to help people and assist the ones who could not help themselves. This led him to the Georgia Public Safety Training Center to attend the academy. He credits his wife, Jenn, with his success in completing the training to become an officer.

"Throughout the academy she tested me with flash cards from my notes and would help me prepare for the next day," he said. "She was the one that kept



Joshua, Jenn and Emma

things together and took care of our daughter, Emma, during those long days. Everything depended on her."

After graduating from the academy, he began his career with Valdosta Police Department in 2019. His fellow first responders who experienced that tragic day with him are grateful he did.

PBF SPOTLIGHT ON CHANDLER ROWE AND DARIN CHURCH

By Randy Byrd
Foundation and Media Relations

Chandler Rowe **Middle Tennessee Chapter**

The Tennessee Police Benevolent Association and the Police Benevolent Foundation set up a recovery fund to assist Deputy Chandler Rowe who was shot in the line of duty.

Rowe works for the Williamson County Sheriff's Office.

In the early morning hours of Feb. 3, Rowe was trying to stop a vehicle with expired tags. The driver failed to pull over and a brief pursuit ensued. The suspect fired three shots from an AR-15 at Rowe during the pursuit.

Rowe was hit in the shoulder and transported to Vanderbilt University Medical Center where he was listed in stable condition.

Rowe joined the WCSO almost seven years ago. Rowe has worked as a detention deputy, patrol deputy, traffic deputy and SWAT operator. He is assigned to the K-9 unit.

Rowe has a wife of three years, Abi, and a 4-month-old son, Rhys.

In mid-March, Middle Tennessee Chapter President Ben Piper was able to meet with Rowe and present him a check.



Chandler Rowe with wife Abi and son Rhys.

"My family and I would like to thank the PBA and everyone across the U.S. for the

outpouring of support and prayers," he said. "It was truly amazing, and I cannot thank everyone enough."

Darin Church **High Country Chapter**

The North Carolina Police Benevolent Association and the Police Benevolent Foundation recently partnered to raise funds for High Country Chapter President Darin Church.

Several years ago, Church was diagnosed with juvenile polyposis syndrome. According to an online article by the Cleveland Clinic, JPS is a disorder

marked by growths, called polyps, which grow on the lining of the gastrointestinal tract. These polyps can occur anywhere in the GI tract.

In Church's case, the polyps grew in the stomach. The article also pointed out that with JPS, the word "juvenile" refers to the way the polyps look under the microscope, and not to the age of

the people who get the disorder. JPS is estimated to affect from 1 in 100,000 to 1 in 160,000 people.¹

Last year, the polyps in Church's stomach started to grow larger and with more frequency. Church sought treatment at the Mayo Clinic in Phoenix, and his options came down to two choices. He could keep the stomach and continue

polyp removal or have the stomach removed all together.

Church chose the latter, and in January 2022, he had his stomach removed at UNC Hospital in Chapel Hill.

While in the hospital, he developed an infection that required emergency surgery. He ended up being hospitalized for nine days.

His recovery has been a slow process since his release as he continues to heal and adjust to a new way of eating.

He recently returned to work in a light duty capacity at the Blowing Rock Police Department, where he serves as a lieutenant.

Church has a daughter, Samantha, who is 9 years old. She wants to follow in her father's footsteps.

The PBF was proud to assist Church with his medical expenses and deliver the raised funds to him.

"It has meant so much that so many people chose to give to help me and my

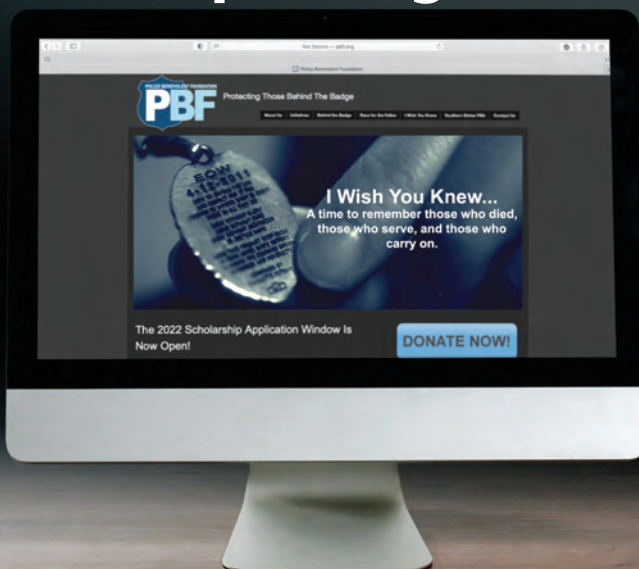


Darin Church with his daughter, Samantha.

family as we have navigated this surgery," he said. "It has made things a little easier over the last few months. The support from the PBA and PBF is something I will never forget."

¹Juvenile polyposis syndrome (JPS): Causes, symptoms & treatment. Cleveland Clinic. (2022) Retrieved March 19, 2022, from <https://my.clevelandclinic.org/health/diseases/15221-juvenile-polyposis-syndrome-j>

Check out our foundation's site: pbfi.org



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PBA MEMBERS SUPPORT HOSPITALIZED KIDS IN WEST GEORGIA

By Cpl. Sean Humphrey
West GA PBA Chapter secretary

West Georgia Chapter President Antoinette Holloway and board team members coordinated the Eighth Annual Blue Lights and Smiles Event in Columbus, Ga., Dec. 17, 2021.

Blue Lights and Smiles is a West Georgia Chapter PBA event where law enforcement agencies, city officials, media and volunteers within the Columbus community unite in order to uplift and brighten the smiles of children who will spend their Christmas holiday at Piedmont Columbus Regional Hospital. An abundance of toys and gifts were selflessly donated by all participants.

Officers from the Columbus Police Department, Columbus State University, Muscogee County Prison, Muscogee County Sheriff's Office and Reynolds Police Department arrived in the parking lot of Columbus State University Police on Lindsey Drive.

PBA board members were introduced by Holloway, who also presented plaques to Alton Weeks and Steve Morse, staff members with Columbus State University, for their support and contribution in helping make the Blue Lights and Smiles a success. All participants were welcomed, including Mayor Skip Henderson and city councilor John House.

At 6 p.m., all law enforcement agencies and participants lined up to form a convoy, which was led by the Columbus Police Department. Lights and sirens were activated all the way to Piedmont Columbus Regional Hospital. Upon arrival, the sirens were turned off, but the array of flashing blue lights continued. It was a joy to see the children interacting, as they used flashlights to flash back at the officers from the hospital windows. All participants started waving back, including Santa and his entourage of helpers.

Afterward, Holloway and PBA secretary Sean Humphrey, a Reynolds police



Santa with Alton Weeks during the Eighth Annual Blue Lights and Smiles event in Columbus, Ga.

corporal, made their way to the hospital lobby, where they had the privilege of meeting clinical manager Resa Lord, who was supportive in helping to make sure the children were able to participate.

Due to the COVID pandemic, all toys and gifts donated were left in her care and were given to the children for the holidays. Although this event was sponsored by the West Georgia Chapter PBA, it does not go unnoticed that without our brothers and sisters in law enforcement, our community, city

officials and the media working together, we are just one in a number. It was a beautiful sight to see law enforcement and the community displaying what we have always known -- together we are strong. The board members of the West Georgia Chapter PBA want to thank everyone for their participation in making the Eighth Annual Blue Lights and Smiles event a success.

(Antoinette Holloway, West Georgia Chapter PBA president, contributed to this article.)



At top, law enforcement local to the Columbus, Ga., area flash blue lights to children hospitalized at Piedmont Columbus Medical Center. At left, hospitalized children click flashlights off and on in response to the blue lights. At right, West Georgia PBA Chapter President Antoinette Holloway and clinical manager Resa Lord with toys donated to children hospitalized through the Christmas holiday.

SC SCHOLARSHIP WINNER DIVES INTO MARINE SCIENCE STUDIES



Cassie Difloure and her father, retired Cpl. Chris Difloure

**By Katharine Jefcoats
Editor**

Cassie Difloure remembers her dad as being firm but fair as she was growing up.

Now a college student, Difloure said she appreciated having a law enforcement officer parent to build a strong foundation for her for life.

“Being the child of a police officer definitely has its ups and downs,” she said. “But I have appreciated every second. My dad has taught me more things than I can remember and told more stories than I can count but most of all he’s taught me to be smart and aware of my surroundings while still having fun anywhere I travel.”

Cpl. Chris Difloure retired from Horry County Sheriff’s Office in September 2021 after 22 and a half years, but his daughter said she will never forget the

lessons he taught her and the respect his position garnered him. As the daughter of a law enforcement officer, Difloure won a scholarship from the South Carolina division of the Police Benevolent Association.

“Receiving this scholarship has helped me pursue my education without having to stress over money,” she said. “Knowing I have this scholarship has eased my mind and allowed me to maximize my college experience by getting involved in school activities and dedicating time to my studies.”

Difloure is studying marine science at Coastal Carolina University. Her father said he could not be more proud of his younger daughter.

“She just made straight A’s,” he said. “She’s self-motivated and definitely on the right path to succeed in everything she does. I’m super proud of how she’s grown into an awesome adult.”

Cassie Difloure said adding extracurricular activities helped put her over the top in earning the scholarship.

“Receiving this scholarship has shown me that I am capable of success when I put my mind to something,” said Difloure. “I always thought receiving a scholarship would be impossible for me because there are so many applicants. However, I feel as though my involvement in the community, extracurricular activities and dedication to my studies are finally paying off.”

Difloure said she was honored that her father was in law enforcement and involved in their community.

“As I grew up, he was firm but cautious but still gave me the chance to learn and make mistakes on my own,” she said. “He encountered many unpleasant people but he always trusted me to make my own smart decisions. I feel honored being his child because even though his job can be very difficult and upsetting, he is the best dad anyone could ask for. He is well-respected among his colleagues, community and friends. I appreciate him and everything he does for me.”

Originally from Ohio, Chris Difloure said he got interested in law enforcement by listening to an uncle who was a detective in the Buckeye state.

“I felt like it was an honorable profession,” he said.

He started his career as an auxiliary sheriff’s deputy in Brunswick, N.C., in 1997. He followed that up in Georgetown, S.C., before returning to Ohio. When he got a call about a sheriff’s deputy position in Horry County, he moved his family back to the south.

Difloure joined the South Carolina PBA, largely for the legal protection.

“I heard it was a great organization,” he said. “I had some friends in Myrtle Beach who were part of PBA. You know, this job is stressful. I didn’t want to have to worry about hiring an attorney to represent me if I had civil or criminal issues. Luckily, I never had to deal with that in my career.”

AL AIR UNIT PLAYS ROLE IN SAVING THOSE LOST OR STRANDED

By Don Fletcher
AL Trooper Journal

While the troopers who patrol the state's highways and byways in silver patrol cars are the most visible of ALEA's officers, the often-unsung members of the agency's Aviation Unit are the ones most admired by individuals who have strayed from home or become lost while hiking, hunting or fishing in Alabama's woodlands.

That was more than apparent when the unit helped locate, then rescued, three people — each of them from a state park — over a 10-day period near the end of summer.

On Aug. 28, 2021, Pelham Fire Department officials called on ALEA aviation resources when a woman fell at least 20 feet and broke an ankle while visiting Oak Mountain State Park.

Reports show the injured woman landed in a patch of "severely rough terrain" that would have required a steep climb that would have put ground rescuers and the victim at risk, making it necessary to

attempt a rescue from the air.

ALEA's aviation crew, along with a medic, was able to extract the victim from her precarious position without further injury and to stabilize her while flying her to Pelham Fire Station and an awaiting ambulance.

A similar operation was conducted Aug. 31, 2021, in the latter stages of Hurricane Ida.

The DeKalb County Sheriff's Office requested assistance from the ALEA aviation unit in Cullman in the extrication of a male swimmer who had been missing for more than 24 hours in High Falls State Park.

The ALEA pilot and a Cullman County sheriff's investigator were able to spot the stranded swimmer from the air. He had been swept "a considerable distance" downstream from where he had last been seen, and Fisher Fire and Rescue personnel were unable to safely reach him.

ALEA aviators in Montgomery were notified, and a rescue helicopter was

launched. The swimmer was safely rescued and flown to a spot where an ambulance awaited.

He was treated by medics for injuries that were not life threatening and released.

The third daring rescue took place on Labor Day, in Little River Canyon State Park, and was again the result of rushing water.

Fisher Rescue Squad notified ALEA that a female had been swept away by the current, and that two brothers who went to her rescue were also in a situation of distress.

Local rescue personnel had gotten to the young woman, but the brothers were stranded on a rock that jutted from the middle of the river.

The ALEA crew determined that the males were in the most immediate peril and went to their aid first.

After safely rescuing them, they returned and hoisted the female and the two rescue personnel from the riverbank. None of those involved was injured.



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CANCER FIGHTER NAMED TROOPER OF THE YEAR IN MISSISSIPPI

**By Katharine Jefcoats
Editor**

Mississippi Highway Patrol Trooper Thomas Carpenter heard the calling to protect and serve at age 18.

It was a calling so strong, it prevailed through living with and treating a diagnosis of stage IV cancer in May 2019. His doctor recommended treatment at M.D. Anderson Cancer Center in Houston, Texas. He was accompanied on those many trips with his wife, Sydney Carpenter. The two have a 4-year-old daughter, Emersyn.

Throughout it all, Carpenter, a PBA member, continued to work.

“When I was home from Houston between treatments, I continued to work the road daily,” he said. “My wife, my child and my job were my motivation to keep going. There were days when I did not feel like getting up and going but I got up anyway and performed my job to the best of my ability.”

Carpenter said he praises the Lord daily that his cancer is stable and he is able to continue performing the job he loves every day.

His doggedness, determination and loyalty were rewarded in 2021 when Carpenter was named Trooper of the Year. The announcement stunned him.

“Honestly, it caught me by surprise,” he said. “I was truly humbled and grateful for the nomination and to be chosen to receive the award for 2020. That is a day I will never forget. I stood against many great troopers who have gone above and beyond to be included in the nominees for Trooper of the Year. My being named Trooper of the Year does not go without saying how much of the award belongs to my wife.

“I cannot take all of the credit,” Carpenter continued. “She has been through more than most women her age. She has honestly displayed much selflessness and provided me with all the



MHP Trooper Thomas Carpenter and his wife, Sydney, and daughter Emersyn.

support that I needed. She is the most loving, loyal and caring woman I know.”

His career has no doubt advanced farther than he may have dreamed as an 18-year-old from Carthage, Miss.

“It was not until 2002 when I decided to pursue a career in law enforcement,” said Carpenter.

He graduated with a bachelor’s degree in criminal justice with a minor in forensic science from Delta State University in 2005. The next year, he started his career at Madison Police Department. It was there he discovered the benefits of developing mentors.

“I am forever grateful that police Chief Gene Waldrop gave me the opportunity to start my career in his department,” Carpenter said. “I then served at Leake County Sheriff’s Office from 2009 to 2017. I always knew that the Mississippi Highway Patrol was my dream job. In 2017, I was accepted to Cadet Class 62 and graduated March 6, 2018.”

He cultivated several other mentors while at the state agency.

“A few figures that also stood out to me early on were Billy Ray Atkinson, Kenyun Hutchins and Danny Faulkner,” said Carpenter. “These men were troopers who have given their careers to the Mississippi Highway Patrol. It was my ultimate goal in my career to become one of them.”

Retired Lt. Col. Jimmy Jordan also played a major role in influencing Carpenter’s career.

“He has been supportive and encouraging to me throughout my Mississippi Highway Patrol career,” he said. “Jimmy Jordan taught me to never give up on my dream. I am so glad I chose to follow his advice. The MHP has been a huge blessing to my family and me. Jimmy Jordan served many years with MHP, in many different positions, so he has had much wisdom to pass along to me.”

Carpenter’s biggest influence, however,



(L-R) Trooper Derrick Qualls, Master Sgt. Roy Benamon, Carpenter and Capt. Kenyun Hutchins

is God. Keeping the faith should be a priority for incoming troopers.

“Keep God at the center of your life,” he said. “We are guaranteed to have trials in this life but with Him, all things are possible. Also continue to strive to be your best no matter the situation. Always be willing to listen and learn. Always exemplify integrity and remain humble.”

Carpenter is assigned to Troop H, which includes the counties of Leake, Neshoba, Kemper, Scott, Newton, Lauderdale, Smith, Jasper and Clark, where he is an accident reconstructionist. He also serves on the MHP Honor Guard.

When he’s not working, he enjoys competing in triathlons and marathons, traveling, fishing and spending time with his family.

“My goals in life are to continue to be the best husband and father that I can be, keeping the Lord at the center of our family and following His will for our lives,” said Carpenter.



Retired Lt. Col. Jimmy Jordan and Carpenter

TENNESSEE TROOPER DELIVERS BABY ON HIGHWAY

By Katharine Jefcoats
Editor

It's a boy.

Talk about being in the right place at the right time.

Tennessee Highway Patrol Trooper Aaron Ranker answered a medical call Dec. 7 on I-40 west near Dickson.

Routine? Far from it.

Ranker discovered a woman in labor, ready to deliver. And it wasn't his first role as midwife.

"This is the third baby," he said. "The first and second deliveries were in the back of an ambulance in a very controlled environment with equipment. This delivery was completely different. The mother was in the front seat and all I had was experience and a blanket.

"This whole event was absolutely right place at the right time," continued Ranker. "By far, I was meant to be there to help this young lady out with such an



Trooper Ranker

unusual circumstance."

Ranker became a trooper in July 2018. Prior to joining the patrol, he was a firefighter and advanced certified

emergency medical technician.

It was as an AEMT that he delivered the first two babies.

"I became a trooper because I felt I could do more to help people," he said. "I wasn't fulfilled in my old job and knew I was meant to help people."

Ranker's father served as his role model.

"I looked up to my father who was a deputy sheriff when I was a baby," he said. "My father always regretted leaving police work and I knew I would if I didn't try."

According to the Tennessee Highway Patrol, the mother and her son were transported by EMS to TriStar Horizon Medical Center emergency room.

Ranker drove the mother's friend back to their vehicle so it would not be left on the interstate.

"Trooper Ranker heroically represented the Tennessee Highway Patrol," said officials. "To say we are proud of him would be a tremendous understatement."

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ATTORNEYS ADVISE OPTIONS FOR RESIGNATION, TERMINATIONS

**By Katharine Jefcoats
Editor**

Resign or be terminated? It's a decision PBA members may one day face.

It's not unusual for PBA members to contact the legal department seeking assistance in regard to an ultimatum they have been given by their employer: resign or be fired. Such a difficult choice could be imposed upon the member after a departmental investigation or completely out of the blue.

In either case, while PBA staff can provide advice and points to consider, ultimately, the member will have to decide which option has the greater upside.

PBA staff attorney Dale Preiser said members facing this dilemma should consider both sides.

"I have found that there is no one consensus on this issue," he said. "I always have the members weigh the pros and cons. What happens if you resign? What happens if you refuse to resign and are terminated?"

A summary of some pros and cons to consider follows.

Unemployment benefits

A practical financial consideration is the impact on the opportunity for unemployment benefits. Unemployment benefits are governed by state law, and each state's law is different. PBA staff attorney Andy Valli noted that it is his experience that voluntary resignation is usually a bar to unemployment benefits. However, resigning doesn't mean benefits are off-limits in every jurisdiction, as the rules differ according to the state, Preiser said.

"Often in these cases for our at-will employees, filing for unemployment is the only option for a potential meaningful hearing," Preiser said.

"Also, in some cases, even if an employee resigns, it is considered a 'constructive' termination, and they can still file for

benefits," he continued. "In Tennessee, for example, there have been a few cases where the unemployment hearing officer sided with the member and produced a very nice opinion."

Right to appeal

Typically, submitting a resignation bars the employee from any type of internal appeal or grievance process as, in fact, the employee is actually no longer an employee and is therefore unable to avail himself or herself of any appellate rights granted to employees. Of course, in many departments in the South, there is little to no meaningful appeal procedure within which to seek relief.

The situation is different, however, in those agencies where positions are protected under civil service rules.

"It's important to determine whether the officer has civil service rights—such as a right to an appeal—as well as the viability of the appeal process," said Valli. "For example, a sheriff's deputy may have no appeal rights—in which case a negotiated resignation might become a better option. A municipal officer may have appeal rights, but might only get a hearing with the town manager who already made up his or her mind to support the department head and terminate the officer.

"On the other hand, an officer may have recourse to a civil service board or commission and get a truly independent hearing," Valli continued. "In some cases, there might even be a hearing before an administrative law judge."

Preiser also noted that the opportunity for a civil service hearing may be worth considering.

"Are they civil service or does the agency's policy offer them some formal appeal options where they can get the benefit of advice and assistance from a local attorney?" he said. "If so, the attorney could advise there is no policy violation, or sometimes the attorney could negotiate a resignation that is beneficial to the member."

Accrued Leave

There are other matters that may play out differently depending on whether the officer resigns or is terminated. Valli suggests checking the employee handbook or personnel policy on the handling of accrued vacation leave. For example, some agencies will not pay out accrued vacation leave if the employee is terminated for cause or resigns with less than two weeks' notice.

Negotiated resignation

If a department has determined that it wants an employee gone, the employee may be able to negotiate certain benefits as part of a resignation. Those matters for negotiation may include employment references, certification matters/reporting issues, and the removal of adverse references in personnel files.

Personnel file and other considerations

Those personnel files are important for employees to think about. Preiser notes that most personnel files are subject to viewing by the public.

"Most of our members' personnel files are subject to the Freedom of Information Acts in our various states," said Preiser. "If they resign, they give up the potential to challenge the action and put their side of the story in the employment file.

"To me, by resigning, they are taking a chance that whatever policy violations and conclusions reached by the agency are what will be disclosed by any future FOIA/Open Records Request," he continued. "If they are terminated, they may have an opportunity to challenge the action with the aid of a PBA lawyer, or at least, to submit a rebuttal to the allegations/action and have that included in their file."

Of course, the most severe grounds for termination or resignation require a stricter deliberation. Preiser said the employee should reflect on what they are being accused of: Is it a mere policy violation, or does the policy violation have a mirror criminal charge? If what they have done could get them put in jail,

then they might just accept termination and not make any statements on the issue, file for unemployment or appeal the termination.

Either way, the employee should take care in engaging with an employer trying to “strong arm” the officer into making a snap decision, “one of the situations where the chief or sheriff calls the member in and states, ‘I am going to fire you or let you resign, but I have to know right now,’” said Preiser. “No phone calls, no PBA legal input, no time to discuss with anyone. In this situation, it seems like the employer is getting the member to give up appeal rights and would have been better off having been terminated.”

Lastly, Preiser offers two hypothetical situations for members to think through when they are looking ahead in regard to

future employment:

Hypothetical #1:

Future employer: “What happened at your last job?”

Answer: “My chief/sheriff told me that they were going to terminate me and gave me a chance to resign.”

Future employer: “What did you do?”

Answer: “I chose to resign.”

Hypothetical #2:

Future employer: “What happened at your last job?”

Answer: “My chief/sheriff told me that they were going to terminate me and gave me a chance to resign.”

Future employer: “What did you do?”

Answer: “I told them my actions [being truthful] didn’t rise to the level of termination, or that I did not commit a policy violation and I was not going to resign, so I was fired.”

Perception truly may be valuable when the officer is attempting to line up his or her next job.

Clearly, the termination/resignation dilemma has many nuances, and there is no “one size fits all” response. The topics presented here are provided in an effort to educate an officer in the event they are presented with this scenario one day.

If that scenario does occur, the member is encouraged to contact PBA to discuss his or her situation.

MEET WVA NATURAL RESOURCES POLICE CHAPTER PRESIDENT

By Sean McGowan
VAPBA executive director

I am not sure if West Virginia Natural Resources police Officer Steve Haines knew what he was getting into when the newly-formed chapter board elected him president.

With a fledgling charter chapter board of West Virginia Police Benevolent Association members, and some big dreams of what they wanted to accomplish for their members, they immediately began their work. Talk of getting legislation passed that provides tax exemption on law enforcement pensions, a substantial pay raise for all members of the department and development and installation of a new retirement system for conservation police officers filled the room in the initial meetings.

There were those skeptics from outside the board who thought the ideas were too bold. Some felt passage of such measures was impossible, while others disregarded the idea as an unrealistic dream.

Three years later, Chapter President Steve Haines and his board of directors,



Steve Haines is promoted to sergeant during ceremony.

working with the department colonel and director, realized all three dreams. A pay raise, new retirement and tax-free retirement status were all a reality.

On March 12, 2022, Haines was promoted to sergeant along with two other West Virginia PBA members, Richard Nelson and Alan Phillips.

When Haines called to share the good news, he said the on-the-job leadership training that he experienced as president of the chapter impacted his performance on the department promotional process in a positive way. In his fight

to win the legislative victories for his members, Haines had to navigate the complicated world of politics and to solve problems in new and innovative ways. The experiences showed him the importance of relationships, compromise and communication, which he translated to apply to his daily work as a law enforcement officer. Haines and his chapter board took our organizational goals to heart and increased their personal and work professionalism through respectful PBA activities.

Congratulations to sergeants Haines, Nelson and Phillips for a job well done.



SCHOLARSHIPS 2022

We are still accepting applications for the 2022 scholarship season. The Police Benevolent Foundation offers four different scholarships. Award amounts vary based on the number of applicants.

Applications due June 1, 2022

<http://www.pbfi.org/scholarships-2/>



Congratulations 2021 Scholarship Recipients!

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Daniel Cody
Faith Leverette
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Haley Hickey
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Georgia

Morgan Johnson
Adara Veiga

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Emma Hanemann

Mississippi

Sarah Grice

North Carolina

Luci Creed
Shawn Harris

South Carolina

Cassie Difloure
Sarah Difloure

Tennessee

Madison Adams
Atlee Dean
Maggie Henderson

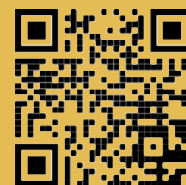
Virginia

Jacob Badcock
Alicia Blackburn
Lauren Champ
Richard Edwards
Grace Goodpasture

Foundation

Atlee Dean
Madison Ellis

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ALABAMA CHAPTER MEMBERS DEBATE NEW LAW, OTHER ISSUES

By Jon Riley

AL Division senior vice president

The Alabama State Law Enforcement Officers Chapter sponsored its most recent training event in Oxford, Ala., Oct. 5, 2021.

Thanks to the city of Oxford for allowing the use of their civic center. The training focused on known terrorist cells operating in the United States and the threat the cells pose to law enforcement and citizens alike.

Christopher Holton and Kyle Shideler from the Center for Security Policy based in Washington, D.C., provided key insight into the mindset of street gang-type domestic terrorist groups and their increased confrontations with law enforcement.

Thanks to board member Alicia Cash for her contribution in making this training event a success. A total of 75 police officers attended the training. Southern States PBA recruiter Nick Meadows briefly spoke to the attendees of this training event. Six new PBA members were added to our roll that day.

Currently, Alabama PBA boards are meeting using all necessary safety protocols and addressing specific member issues as well as overarching topics affecting law enforcement. The Alabama PBA Division held its most recent board meeting Sept. 11, 2021, in Orange Beach. Agenda items included election of officers, President Donald Scott, Senior Vice President Jon Riley, Vice President J.T. "Butch" Cartee and secretary Clark Hopper.

Regular agenda items were worked through, and a main topic of

discussion was Alabama HB-411 (ACT 2021-268) of the Alabama Legislature, which was signed into law April 22, 2021.

Alabama HB-411: This law has strict reporting requirements for all law enforcement agencies in Alabama related to law enforcement officers who have use of force or possibly other complaints filed against them. If a law enforcement officer is found liable for a complaint filed against him/her and the appeals, if any, are exhausted, the complaint and findings are to be turned over to the Alabama Peace Officer's Standards and Training Commission and will be kept as an official part of the officer's file.

A database will also be compiled regarding finalized complaints of police officers. Complaints could include use of force, disciplinary action, or reassignment for cause.

It would appear the legislative intent behind this law is to keep law enforcement officers who are constantly having disciplinary issues from moving from department to department in lieu of receiving appropriate discipline or termination, if necessary.

Most could agree this is not in and of itself bad intent. The concern with this law is that, like any law, it has the potential to be abused and hurt good police officers who are caught in untenable circumstances beyond which they have no control.

This law is searchable at the Alabama Secretary of State's website: Records, Legislative Acts, key term 2021 – 268.

At the Alabama State Law Enforcement Officers Chapter meeting in Guntersville Dec. 4, 2021, President Hopper addressed the need for emotional, psychological and spiritual support for law enforcement officers involved in critical incidents. Hopper asked for suggestions on how to properly support officers during critical incidents beyond responding attorneys to the scene.

Board members Jonathon Phillips and Steven Mills suggested Alabama Law Enforcement Alliance Peer Support has a strong presence throughout Alabama and recommended they be contacted for these types of needs. The board agreed in principle to partner with LEAPS to support law enforcement who may need its services.

Finally, on behalf of President Scott and the entire Alabama Division Board, we want to thank our dedicated chapter presidents and their boards throughout the state of Alabama for their consistent and unyielding efforts to address issues that arise in their chapters and working so hard to take care of Alabama PBA members.

Steve Johnson, Scott Karr, Jessica Daley, Joe Benson, Jason Windsor, Adam Johnson and James Bogard, your dedication to this organization has not gone unnoticed. Congratulations to Walker County Chapter President Scott Karr who is the most recent recipient of the Alabama PBA Member of the Year award.

(Jon Riley is also a board member for the Alabama State Law Enforcement Officers Chapter.)

WEST GEORGIA PBA CHAPTER HELPS SUPPORT WOMEN'S SHELTER



Left to right, PBA board member Freeman Johnson, Shannon Zeisloft and Jerry Brown. Front row: Beethoven and Lindsey Reis.

By Antoinette Braxton Holloway West GA PBA Chapter president

The West Georgia Chapter PBA reached out in 2021 to the women and children at Hope Harbour who find themselves having to seek shelter due to domestic violence.

Chapter President Antoinette Braxton Holloway said the event gave members the opportunity to be of service in the West Georgia communities.

"This is our way of not only staying active in our communities, but helping to brighten the day of those who find themselves uprooted from their homes," she said. "It is not easy."

Members provided bags with personal hygiene items, and served pizza and drinks.

However, the highlight may have been when shelter clients got to meet Beethoven and his handler, Muscogee sheriff's Lt. Shannon Zeisloft.

Zeisloft is a West Georgia Chapter board member and secretary. Beethoven is a therapy dog, and he is well-known for his service with hospice and mental health patients. Furthermore, he serves as a therapy dog for inmates living with mental health issues.

Braxton recognized and thanked her fellow board members for continuing on with this event.

"Emergency circumstances prevented my arrival," she said. "However, everyone respected my wishes to continue the event. I am so thankful to have such an awesome group of board members."

The event was colorfully boosted by Tonya Wilson, owner of Over The Top Balloons LLC., who provided a balloon arch.

"Last but not least, I want to thank the executive director of Hope Harbour, Lindsey Reis, for her hospitality and for assisting us in having this event," said Braxton.



Left to right, back row, PBA board members Jerry Brown of Columbus Police Department, Freeman Johnson, retired from Muscogee County Prison, and Muscogee prison Sgt. John Webb. Front row, left to right, Hope Harbour Executive Director Lindsey Reis, Muscogee sheriff's Lt. Shannon Zeisloft, and Beethoven, therapy dog with Muscogee County Jail.

TN FATHER, DAUGHTER MAKE 'PACK THE CRUISER' A FAMILY AFFAIR

By Sgt. Brandon Adams
Davy Crockett Chapter president

Madison Adams still helps with the police department's charity drive when she is home from college.

Adams is the 18-year-old daughter of Davy Crockett Chapter President Brandon Adams and his wife, Tina Adams, of Union City, Tenn. She is a freshman at the Austin Peay State University in Clarksville, majoring in education. Madison Adams was a recipient of a PBA Scholarship in 2021.

She and her father have been heavily involved with the charity drive since its inception in 2016.

Now with college upon her, she was able to help two of the Saturdays she was home for Thanksgiving and Christmas breaks.

Madison Adams has a great love of giving that has been instilled in her by her family. This has also gained her the title of vice president of philanthropy in her sorority, Alpha Gamma Delta, at Austin Peay.



Madison Adams, daughter of police Sgt. Brandon Adams and his wife, Tina Adams, empties a cart loaded with food items for needy families in Union City, Tenn.

Since the start of the charity drive, they have collected over 17 tons of food and

nearly \$40,000 cash that have all gone to families in need in Obion County.

PROJECT LIFESAVER PAYS HUGE DIVIDENDS IN ALABAMA

By Don Fletcher
AL Trooper Journal

ALEA's statewide Project Lifesaver initiative has gained the support and participation of sheriff's offices in all 67 counties and had through the end of 2020 boasted a 100-percent success rate.

"As predicted, as the Baby Boomer generation ages, the number of people diagnosed with Alzheimer's has increased and with it the number of people who wander," officials said in a story published online by NewsCenter.com. "We would go once a month to look for someone with Alzheimer's. Then it started turning into once a week and now

it's once every three or four days."

Officials cited a grim statistic that reinforces the value of the Operation Lifesaver bracelets for persons with Alzheimer's or other forms of dementia, as well as people of all ages who suffer from Down Syndrome, autism or similar medical conditions. About half the people who wander are never found.

Typically, they wander off into the woods and, after an exhaustive search effort, the search is called off and the person gets covered up by leaves the next season unless they're found by a hunter.

Operation Lifesaver in Alabama coordinators said the program is more

of a calling than a job. "It's a good day on the job when we can find someone quickly and successfully," officials said in a 2020 Montgomery Advertiser story. "Project Lifesaver has been the most rewarding thing (we've) done over the years."

There is no cost for the tracking bracelets, each of which has an individual number and operates on a different radio frequency. They come with a year's supply of batteries and bands, which are re-supplied once they're exhausted.

(The article was first published in the fall/winter edition of *Alabama Trooper Journal*.)

LEGAL SERVICES HELPS PBA MEMBERS WITH VACCINE CONCERNS

By Joni Fletcher Cawthon
SSPBA Director of Legal Services
By Dana Nicolazzi
SSPBA staff attorney

From time to time, the legal department receives numerous calls from a particular department in regard to a common issue that members have concerns about. In such situations, it's typical for our department to coordinate with the local chapter and with PBA staff in that particular state in order to organize a response and to assign an attorney, if necessary.

In 2021, however, an issue arose that resulted in exponentially more calls to the PBA legal department from agencies and states throughout the Southeast. That issue was COVID vaccine mandates for law enforcement. During 2021, the legal department handled at least 110 calls regarding COVID vaccines as numerous members had concerns about the legalities of vaccine mandates and the impact of those mandates on employment. As uncertainty and confusion abounded on the issue, PBA legal staff endeavored to help members determine what was legal in their particular circumstances.

During the summer of 2021, North Carolina and Virginia implemented vaccine mandates for state employees, and the president implemented such a mandate for federal employees. Around the same time, governors of states such as Arkansas, Tennessee and Georgia implemented executive orders which banned vaccine mandates as a condition of employment. As PBA members heard rumors and rumblings regarding vaccines, many of them reached out to PBA for guidance.

As PBA staff attorneys spoke with these concerned members, their most common response to the members was that it appeared that the vaccine mandates were legal. The issue had quickly gone up to the U.S. Supreme Court in a case involving a vaccine mandate at Indiana University. In that case (*In re Ryan Klaassen, et al. v. Trustees of Indiana University*), eight students requested a preliminary injunction in regard to the university's

COVID vaccine mandate for the 2021-22 school year. The district court had denied the request for preliminary injunction, holding that the students could not show likelihood of success on the merits of the case or irreparable harm created by the mandate. The Seventh Circuit Court of Appeals denied the students' appeal. When the matter reached the U.S. Supreme Court, the Court immediately denied the request for injunctive relief, thereby allowing the university to proceed with its mandate. This was a bright signal to all that it was likely that COVID vaccine mandates generally were likely to be deemed legal.

There were instances where PBA members called in about situations that required further research to determine the legality of a mandate. For example, Germantown, Tenn., implemented a vaccine for city employees after the state of Tennessee had passed legislation which prohibited the state or any political subdivision of the state from imposing a vaccine mandate. Shortly after PBA assigned the matter to a local attorney, the town rescinded its mandate.

In Virginia, the governor had signed an executive order in 2021 stating that executive branch employees of the state must disclose their vaccination status and that unvaccinated employees were required to submit to weekly COVID testing and to wear masks. Due to concern over this distinction, PBA asked a local attorney to research the issue of whether the different treatment of vaccinated and unvaccinated employees in the state's executive order violated the equal protection clause. The attorney, William Thetford of Simms Showers LLP in Leesburg, studied the track of the Indiana University case and concluded that an equal protection argument would not likely prevail, as it appeared that the classifications of vaccinated and unvaccinated would survive the test of being classifications for a legitimate government purpose (public health) and that the classifications appropriately furthered the legislative purpose. He also noted that the Fourth Circuit Court of Appeals had decided in 2011 that

mandatory vaccines in general are not a violation of the equal protection clause.

In North Carolina, at least two agencies enacted policies which tied vaccination status to promotional opportunities. In Winston-Salem, the Winston-Salem Triad Chapter was able to address the matter politically. The chapter worked closely with city council members as the vaccine policy was being developed and was able to have termination removed as a penalty for non-compliance with the vaccine mandate as well as having non-compliance removed as an obstacle to promotion. In Raleigh, the city notified its employees in September of the COVID-19 vaccination policy which stated, among other things, that if employees were not vaccinated by Dec. 31, 2021, they were not eligible for promotion. PBA asked a Raleigh attorney to evaluate the issue. Research of existing vaccine mandate legal history did not reveal any previous cases which dealt directly with the requirement of vaccination in order to be promoted. PBA continues to monitor the situation in Raleigh in regard to possible options to challenge the issue as related specifically to promotions.

Another twist on the COVID vaccine issue which members contacted PBA about was a possible new trend in which insurance companies may be implementing a surcharge for those employees who are unvaccinated. Upon looking into this matter, PBA determined that, per the Department of Labor, the Department of Health and Human Services, and the Department of the Treasury, this is permissible if it adheres to the existing HIPAA wellness guidelines for activity-based wellness programs.

In addition to state-specific issues, PBA has kept abreast of the implementation of the vaccine mandate for federal employees, which has been upheld as legal to this point.

The issue of vaccine mandates has elicited many concerns and opinions from PBA members. As those members have contacted PBA for information, the legal department has worked diligently to inform those members of the evolving law in regard to this hotbed issue.

SHOULD NC MAKE DEPT. OF CORRECTIONS ITS OWN AGENCY?

By Jeff Moore
Carolina Journal

The N.C. prison system, comprising 55 facilities and employing roughly 16,000 staff, is one of the largest agencies in the state. That might surprise some, as prisons, from the real estate they occupy, to the critical role they play in governance, are not foremost in our minds when it comes to policy.

In 2011, after years of acute fiscal pain and still dealing with the lingering malaise of the Great Recession, it was cost-cutting that leaders of the N.C. General Assembly, under Republican control for the first time in more than a century, had on their minds. Among their efforts to streamline government, the 2011 legislature voted to place the N.C. Department of Correction within a new Department of Public Safety.

Correcting a big mistake

Fast-forward to 2021, and many state lawmakers, particularly in the N.C. Senate, are working hard in biennial budget negotiations to restore the Department of Correction as a standalone agency.

Events over the last 10 years have convinced many lawmakers that it was a huge mistake, one with costs far greater, and graver, than can be captured in any fiscal note.

Sgt. Meggan Callahan, a 29-year-old corrections officer at Bertie Correctional Institution, was brutally beaten to death April 2017 by an inmate with a fire extinguisher. Later that same year, October 2017, during an attempted prison escape and riot at Pasquotank Correctional Institution, four additional corrections staff — Justin Smith, Veronica Darden, Wendy Shannon and Geoffrey Howe — were murdered by inmates in the chaos. The two events together mark 2017 as the most tragic year in the history of the agency. Subsequent reports cited staffing shortages that degraded safety protocols and exacerbated years of festering personnel and security problems.

For Sen. Bob Steinburg, the tragedy hit close to home. All five slain corrections staff resided in his northeastern N.C. senate district. He's now leading the charge to restore corrections as an independent agency that gets direct access to the governor and direct scrutiny from the state legislature.

"These five people that were murdered were all in my district," Steinburg said. "Here I had five people in my district, in six months of the year of 2017, brutally murdered. That just hit me in a way that I can't even describe."

After three previous terms in the N.C. House, never before having imagined a personal focus on prison policy, the then-freshman senator embarked on a passionate mission to honor the lives of those five individuals by identifying, exposing, and fixing policies and failings that may have contributed to their deaths.

"I met with these families, had them in my home. I could see that this wasn't just affecting the families of those individuals that were slain, but this was affecting and impacting the families of all of these folks that worked at both of these prisons, and probably prisons throughout the state, and affected these individual communities. I made a commitment to myself that I was going to keep fighting for this until it happened," said Steinburg.

His mission became formal when Senate President Pro Tem Phil Berger tapped Steinburg to chair a Senate Select Committee on Prison Safety Reform. The bipartisan, 13-member select committee heard testimony from experts, stakeholders, and rank-and-file corrections staff. In addition, Steinburg and legislative staff visited all 55 prisons in the state, soliciting input from staff of all levels, and inmates as well, while touring the bowels of North Carolina's prison complexes.

"We went down, and we listened to the corrections officers. We listened to the inmates. We listened to the people who were on intake. We listened to the

food service people. And we listened to the medical people, taking copious notes to report back to the Senate select committee," said Steinburg. "This was in prison after prison after prison. We went through this same process. We talked with a minimum of 1,000-1,200 people, so we had a good working knowledge of what the general problems that were there were applicable to almost all the prisons."

Career prison employees have an average lifespan of 58 years

The takeaways? A dire need for advocacy, accountability and management reforms, amid dangerous staffing, recruitment and retention problems contributing to a woefully low morale among the thousands of correctional staff throughout the state. After reviewing the final report, the Senate Select Committee on Prison Safety Reform voted unanimously for the agency's restoration as a separate agency, among other recommendations for reform.

Steinburg points out that corrections is the only agency within DPS that does not have a step pay plan, adding to the staffing pressures and professional stresses faced by corrections officers every day. This is one of the many reasons he believes restoring corrections' seat at the table is vital.

"It's all really a matter of advocacy," said Steinburg. "Whether it's staffing, lack of proper pay plans, the average lifespan of someone in corrections — which for those with a career in corrections is only 58 years old — what we discovered is these people are all heroes. Where other [first responders] have to face possible critical life-threatening situations every time they pull a car over, with corrections officers, it's from the minute the key is turned for them and they walk inside the prison, they are vulnerable."

That vulnerability is part of the reason why Gary Mohr believes correctional officers are "the greatest public servants of our time," and a primary justification for restoring standalone status as a means to affect meaningful advocacy, reforms and accountability.

Mohr, a nationally recognized leader in corrections, was hired in August 2018 by then-Department of Public Safety Secretary Erik Hooks as a senior executive adviser on prison issues. A former director of corrections for the state of Ohio for eight years, a four-time prison warden, and then-president-elect of the American Correctional Association, Mohr advised Hooks and gave testimony to the Senate select committee on how to best approach effective prison safety reforms. Chief among his recommendations then was separation, and it remains his strong recommendation now in 2021.

“Without question corrections should be a standalone agency,” Mohr told Carolina Journal. “If you think about the fact, and these are facts, correctional staff respond to more incidents that could result in loss of life than any other first responders, they are paid less than other first responders, and they have less public respect. So the correctional staff, in my opinion, deserve to be elevated to a cabinet agency so that the concerns that exist can be appropriately heard and addressed.”

That just cannot happen, Mohr asserts, if a director of prisons is too far removed from direct access to the governor. With a staff of that size and risks that are so elevated, he believes direct access to the executive, like that he enjoyed as a member of Gov. John Kasich’s cabinet in Ohio, is vital.

“When it comes to situations that need immediacy, an immediate response, I felt I had the ability to call the governor any time, day or night, and talk to him about a concern, or talk to him about a threat,” said Mohr. Initial outbreaks of COVID-19 among inmates and staff in prisons around North Carolina in early 2020 certainly qualify as an issue of immediacy.

While Mohr believes North Carolina, and other prison systems, handled the COVID-19 outbreak relatively well, it was despite the barriers presented by the current organizational structure. Further, the issue of access is more than

one-dimensional. He says the legislature must also have access to promote accountability, and such accountability is enabled by separation into a standalone agency.

“The legislature should have scrutiny over a budget that is explicitly for corrections, so that they know how many staff are funded, they’re aware of the vacancies,” Mohr says. “The commissioner of corrections should have to get up and testify specifically in defense of his or her budget. The legislature should have the ability to question the director on policy, on expenditures, on risks they’ve heard. It should not be three layers. In North Carolina, the commissioner of corrections didn’t even report to the director of public safety. There is another chief deputy secretary [they had to go through]. I find that unconscionable.”

Courage to correct unintended consequences

Aside from the issue of separation itself, Mohr said that there are other ways to improve the system, and some are already under way, citing the leadership of N.C. Commissioner of Prisons Todd Ishee, appointed in 2019 to the newly created position.

Under Ishee, North Carolina has begun the process of national accreditation for every prison in the state, a distinction earned by satisfying 574 standards that the American Correctional Association has for operating large correctional institutions. Some facilities have already completed the process, with more working toward accreditation.

In addition, internal audits in which staff from one prison grade another prison against such standards are now being employed in North Carolina, and dozens of accreditation offices have been set up across the state to help ensure proper corrections policies are in place, meet standards and that prisons are complying with them. Importantly, Mohr added, a commissioner provides visible leadership from the top to the bottom of the

corrections hierarchy.

“An experienced director that can go in and observe the operations and then have access to the governor to say, ‘Hey, Governor, we’ve got a problem here, I need some help,’” said Mohr. “That is the continuum that needs to be fulfilled. So national accreditation, state audit processes and leadership visibility inside the prisons are very important.”

All of it is made exponentially easier, Steinburg said, by recognizing the unintended negative consequences of decisions made in 2011. Those decisions that he thinks allowed the pain points of low staff morale, insufficient pay structures, staffing shortages, lack of leadership, accountability, safety lapses, and security risks to fester for years.

The senator notes that the average lifespan of a career corrections officer is 58 years old. “That’s not exactly a great recruiting tool,” he said.

“We have to have the courage, and the department has to have the courage, to say, you know we tried this and it didn’t work,” Steinburg said. “But nobody wants to say that. We have to be big enough to be able to step back and say, ‘You know something, we tried something, it didn’t work, we need to fix it.’”

The budget negotiation process between the two chambers of the state legislature is ongoing. Far from the austere considerations of 2011, when the prison system was originally placed under Public Safety, this 2021 budget conversation centers more on how best to spend revenue surpluses resulting in billions of extra dollars overflowing state coffers. Steinburg said he hopes that makes reform a less difficult ask.

“The ultimate price has already been paid with these five individuals that were murdered,” Steinburg said. “Dollars and cents should not be an impediment, especially now.”

(This article, originally titled “Should NC prison system be restored as standalone agency?” and dated Sept. 17, 2021, is reprinted by permission of Carolina Journal.)

PBA WORKS WITH ADVOCATES FOR PRISON REFORM IN NC

By Randy Byrd
Foundation and Media Relations

Sgt. Meggan Callahan and Corrections Officer Wendy Shannon were valued



Sgt. Meggan Callahan

members of the PBA who were killed in two separate prison incidents in 2017. The PBA worked closely with the families to pay the death benefit and to honor their memories in the Patrolman's Journal.

We also found advocates for prison reform in N.C. Rep. Bob Steinburg, who was later voted to the N.C. Senate, and Commissioner Todd Ishee who would become the Commissioner of Prisons after the tragedies. We are proud to feature their work in this edition of the *Blue Review* in an article that Jeff Moore wrote for *Carolina Journal*. (Titled here, "Should NC make Dept. of Corrections its own agency?," page 63.)

Wardell Williams, who serves as the president of the Corrections Chapter, and his board were instrumental in the process. They made numerous trips to Raleigh to meet with Steinburg and other legislators to educate and collaborate on the changes to the system that were so desperately needed.

"The PBA was proud to stand with Sen. Steinburg and let our voices be heard that legislative changes needed to occur for the safety and security of our corrections officers," said Williams.

The PBA also found Ishee to be a refreshing change. Ishee had previously served as deputy director of prisons in Ohio. He was more than willing to meet with PBA and support its efforts to help fix what had become a broken and dysfunctional system.

Brandon McGaha is the NCPBA staff representative for North Carolina and the point person for corrections issues.



Sen. Steinburg

He has worked with Ishee since his arrival in 2019.

"Working with Commissioner Ishee has been of great benefit to the PBA and our members," said McGaha. "He truly is a visionary and problem solver that wants to leave the agency better than he found it."

Senate Bill 501 was filed April 1, 2021, by Sens. Warren Daniel, Danny Britt Jr. and Steinburg. The bill sought to make

the Department of Adult Corrections a separate agency. The bill filing was an enormous step in fulfilling the top goal of the Senate Select Committee on Prison Safety Reform that Steinburg came to chair.

Over the next several months, there was serious discussion on the issue and the bill was eventually added to the budget along with allocating funds to correct compensation deficiencies that had plagued employees for years.

The budget passed the Senate Nov. 17, 2021. The governor would sign the budget into law the next day, after passage in the House.

According to an article in the Nov. 17, 2021, edition of *The Daily Advance*, plans call for the separation of corrections from DPS to be completed by Jan. 1, 2023. It will cost around \$3 million to complete the separation.¹

The Daily Advance article continued, “The process is going to take a year,” Steinburg said. “There are a lot of logistical things that need to be done to accommodate this separation. We want it done right.”

The Department of Corrections will have its own secretary which Steinburg said gives the prison system a “seat at the table.” “The secretary will be able to advocate for the needs of the department directly with the governor,” he said. *The Daily Advance* article further stated the new state budget also provides a step-pay plan for Department of Corrections employees. The plan will provide standard salary increases for employees, including those based on tenure.

“This is going to be wonderful for recruiting and keeping attrition down,” Steinburg said. “They will get step-pay raises based on length of service. This will be good for morale.”

The PBA thanks Steinburg and Ishee for their efforts to make the world safer for our corrections officers and properly compensate them.

“I am proud to be a PBA member along with thousands of our corrections staff across North Carolina,” Ishee said. “Together, we are improving communications and overall wellness for our corrections team. Our partnership is continuing to strengthen and make improvements in our system. After the heinous murders in 2017 of five correction employees in our state prisons, it was evident the system was broken and needed to be overhauled,” said Steinburg.

“The PBA was fully on board and provided me with professional assistance, background, encouragement and the support needed to help get



Commissioner Todd Ishee



Slain Corrections Officer Wendy Shannon



North Carolina Legislative building in Raleigh.

the necessary legislation and funding required for reform over the finish line. Thank you, PBA.”

¹Nielsen, P. (2021, November 17) State budget also separates prisons from public safety. *The Daily Advance*.

SPOTLIGHT ON MISSISSIPPI PBA ATTORNEY WILLIAM READY JR



L-R Robbie McLure, Steve Thomas, Joseph Mathis, Bill Ready Jr., Clifford Holloway, Lt. Karey Williams and Sgt. Andy Matuszewski

By Andy “Ski” Matuszewski MSPBA president

When the call for submissions to the *Blue Review* came out, I didn’t think I had anything worthy to contribute. So when the director of legal services for the SSPBA reached out, telling me that we had never done a profile on the very attorney who I counted on to cover me and the guys I work with every day, I was dumbfounded.

The members of the Mississippi division of the SSPBA, particularly those in the east central part of the state, are fortunate to have available to them a dedicated legal mind the likes of which is rarely found.

Bill Ready Jr. of Meridian has been in the service of our association since the SSPBA first expanded into the area in 1997. With a personality as engaging as his presence is intimidating, especially in a courtroom, Ready is rarely at a loss for insight or words on matters of law. He comes from a family of lawyers -- his father Bill Ready Sr., whose career

spanned over 60 years, was one of the early civil rights champions in the state.

The elder Ready also often worked extensively with law enforcement to improve their interactions with the community they serve. His brother, George Ready, served as a circuit court judge in Desoto County prior to his retirement.

Ready’s legal mind was shaped by his undergraduate work at the University of Mississippi, where he graduated after only three years in 1976, followed by his time at the Mississippi College School of Law where he graduated with his juris doctor degree in 1979. His early endeavors in the practice of law came on the Mississippi Gulf Coast where he interned with the Honorable Bob Pritchard who was appointed to fill an unexpired term as circuit judge. This unique opportunity for a young lawyer shaped what was to come in ways even he couldn’t foresee at that time.

Returning home to Meridian, Ready set out to pursue legal battles for his clients

in many of the bastions of jurisprudence around the country. In that pursuit, he has been accepted to practice in all local and state courts in the state, including the Mississippi Supreme Court and the U.S. 5th and 11th Circuit Courts of Appeals. While he largely practices business and personal injury law, many of his cases carry on the type of work his father championed dealing in civil rights violations.

As such, he began to notice a recurring theme. Most of the law enforcement officers he encountered, even the ones he was defending cases against, were good people who were generally well-intentioned. Ready found that while most of them understood how the law applied to those they arrested quite well, they often were less knowledgeable about how it applied to them when critical incidents took place.

When I asked Ready what it was that drew him to representing law enforcement officers, who aren’t always the easiest of clients or cases, he laughed in his larger than life way and said,

“Everyone deserves their day in court and a fair trial by jury of their peers.”

He may or may not have implied that he has had to protect us from ourselves on more than one occasion. I can personally attest to this as I have been a client of his, both personally and professionally, for over 25 years.

Knowing that he will occasionally handle criminal defense issues for family members of his long-term clients, I was curious how he balanced this with his work for the PBA. He told me that he openly discusses his representation of law enforcement with any prospective criminal defense client prior to discussing their case. To date, he has never encountered an issue. Such attention to detail in the matters of potential conflicts of interest is just one of the many hallmarks of his professionalism and dedication to his craft.

One of the other things that set Ready apart is his availability. It is rare that he is not immediately available in cases where time is critical, regardless of the time of day or night. Few things are as comforting to an officer following a

critical incident as seeing Ready striding up out of the darkness to put a hand on their shoulder and telling them that everything is going to be OK. Countless times, I have found us both responding to scenes of critical incidents at all hours, he to protect the rights of our members, while I work as a peer to provide support to those same members in whatever way they need.

Ready has attended legal training sponsored by the SSPBA where he networked with other attorneys across the state to improve the ways they provide service to our members. His methods are well-known and respected across the state.

Agents with the Mississippi Bureau of Investigation often call him directly upon hearing that officers involved in critical incidents they are charged with investigating are members of our association.

This helps limit the effects of what are often already high-stress situations on our members. His service to our members extends beyond just what happens in the court or interview rooms. On more than one occasion I have called

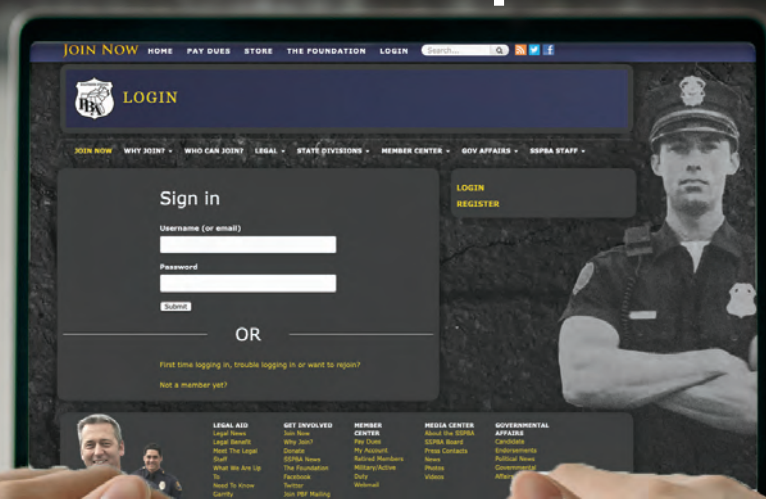
upon Ready to assist me with talking to prospective members about the benefits of membership. His easy way of relating to most people makes these events a pleasure. An avid lifelong outdoorsman, Ready often uses simple analogies to relate complex legal principles in ways that are easily understood.

In closing, I'll simply say that while I know there will never be another lawyer quite like Bill Ready Jr., I'm sure glad we have him on our side.

(Editor's note: Whether he's responding to assist a member involved in a critical incident, fighting to protect a member's rights in a disciplinary appeal hearing, or encouraging officers who aren't members yet to join PBA, Bill Ready Jr. has proven time and again that he supports the PBA cause. Ready has handled well over 100 PBA cases and has earned the respect of PBA members and staff along the way. PBA often calls on Ready to represent members involved in emergency situations, and Ready is quick to respond. "I was standing at the grill cooking steaks for my family this past New Year's Eve when Andy Ski called me," Ready said. "I told him to give me a minute to get the steaks finished up and I'd be ready to go.")

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NORTH CAROLINA PBA PRESENTS AWARDS TO LEGISLATORS



is what the recipients had to say about receiving the award.

“It’s an incredible honor because it comes from the men and women of law enforcement who put their lives on the line every day to protect the citizens of this state.”

Speaker Tim Moore

“As a steadfast supporter of law enforcement, it is a distinct honor to receive this award. I will continue to do my best to support the brave men and women who dedicate their careers to the law enforcement profession.”

Rep. Jon Hardister

“I am humbled that my attempts to promote public safety in the workplace, where citizens shop, at educational

Then-NCPBA President Randy Byrd presents award to Speaker Moore

On Aug. 4, 2021, PBA leaders representing the Capital, Southeastern, Highway Patrol, Winston-Salem Triad, Sandhills, Corrections, Piedmont Triad, Mountain, State Law Enforcement Officers, Crystal Coast, and the Catawba River chapters were at the General Assembly to present the Legislative Excellence award to those legislators who have demonstrated their unwavering support of law enforcement and the values of PBA.

The awards were presented to Sen. Bob Steinburg and Reps. Tim Moore, Dennis Riddell, Donna White, Kristin Baker, Jon Hardister, Donny Lambeth, Erin Pare’, Jeff Zenger, Mike Clampitt, Carla Cunningham and Bobby Hanig.

These legislators worked tirelessly this session in advocating for legislation to save officers who live with PTSD, protecting officers who report corruption from retaliation, giving the PBA a permanent seat and voice on the commission that governs its profession, assisting in the recruitment and retention of the best and brightest officers, and reforming prisons.

The presentations were made in the House and Senate chambers and here



Capital Chapter Vice-President Christopher Midgette with Rep. Erin Pare’



Executive Director John Midgett and Rep. Donna White

facilities, and in their homes for all citizens in North Carolina, are recognized by those that serve in public service.”

Rep. Mike Clampitt

“I am honored and humbled to once again be a recipient of the NC Police Benevolent Association’s Legislative Excellence award. The PBA ensures that legislators like me are continually informed and updated on what is needed legislatively to provide law enforcement with the support they are deserving of. When the PBA talks, I listen and will continue to do so.”

Sen. Bob Steinburg

“Receiving the PBA Legislative Excellence award is an honor. Each and every day, men and women in law enforcement in North Carolina serve and sacrifice their lives for the citizens of North Carolina. I support the PBA and will continue to work on legislation to ensure officers have the resources and research tools they need to do their job successfully, along with the funding necessary to enhance officer safety and wellness.”

Rep. Carla Cunningham

“This was my very first award as a legislator and to have it come from the PBA was special. Law enforcement always has our back, and I am glad to be able to have theirs.”

Rep. Jeff Zenger

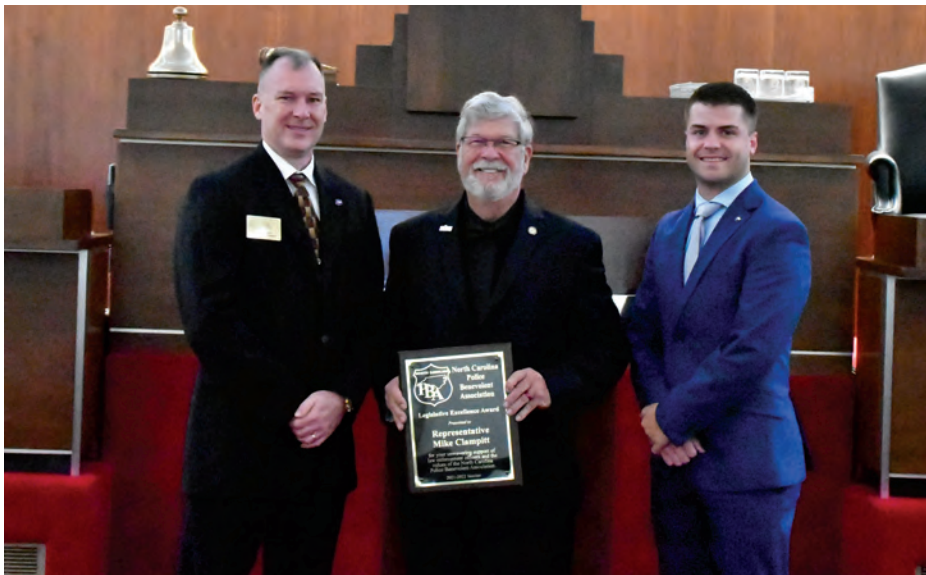
“I am humbled to receive this recognition from those who serve and sacrifice so much on behalf of all of us. It is my distinct honor to advocate for North Carolina’s men and women in blue.”

Rep. Kristin Baker

“When I received recognition from the PBA with the Legislative Excellence award it signified that your efforts are appreciated by professionals who know what commitments you are making to help improve the lives of the citizens you serve and represent.”

Rep. Donny Lambeth

“Receiving the Legislative Excellence award is a true honor, and indicative of



Mountain Chapter leaders Rick Tullis and Colby Fox with Rep. Mike Clampitt



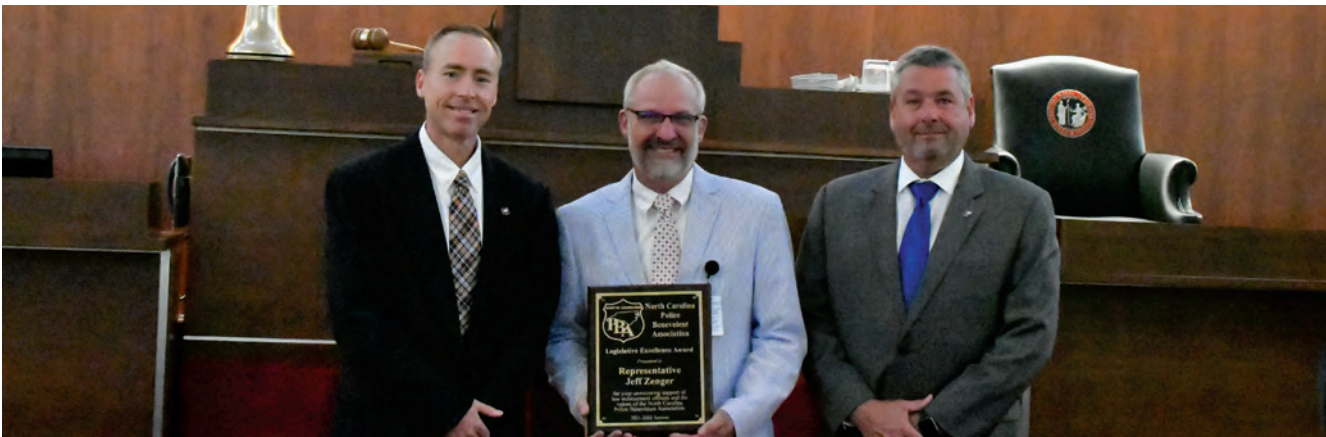
PBA leaders with Sen. Bob Steinburg



Piedmont Triad leader Tony Bird with Rep. Jon Hardister.



Catawba River Chapter leaders Brian Diyorio and Jonathan Hayes with Speaker Tim Moore.



Winston-Salem Triad leaders David Rose and Jon Arnold with Rep. Jeff Zenger.



Then-NCPBA President Randy Byrd presents award to Rep. Donny Lambeth.



PBA leaders with Rep. Kristin Baker

my commitment to supporting the PBA and NC law enforcement officers, not only from a strong legislative standpoint, but also as a citizen. I have proudly displayed the award in my office and am looking forward to my continued work with the PBA.”

Rep. Erin Pare’

“I have always been a strong supporter of law enforcement. They have a difficult job and we would be lost without them. To receive the Legislative Excellence award from the PBA, the largest law enforcement association in North Carolina, is something I am very pleased to accept. I am happy to stand with the dedicated men and women of the PBA.”

Rep. Dennis Riddell



Crystal Coast Chapter President Taylor Anderson with Rep. Bobby Hanig



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3 REASONS WHY YOU SHOULD JOIN THE SSPBA



1. THE LEGAL REPRESENTATION WE OFFER OUR MEMBERS IS THE BEST IN THE BUSINESS!

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

2. THE PBA TAKES A STAND ON LEGISLATIVE MATTERS THAT AFFECT OUR MEMBERS!

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

3. THE PBA PROVIDES YOUR LOVED ONES WITH THE SECURITY OF ONE OF THE BEST ACCIDENTAL DEATH BENEFIT PLANS IN THE INDUSTRY IN THE EVENT YOU ARE LOST IN THE LINE OF DUTY.

We believe that our accidental death benefit is the most generous of any such plan in our service area. Your beneficiary will receive: (1) your base salary for one year if you are killed in the performance of your law enforcement duties (maximum payment: \$70,000), or (2) \$10,000 if an accidental, non-occupational death, or to retired and reserve members, in accordance with the terms and limitations of our insurance policy which underwrites the benefit.

*A full description of these benefits and all others that come with a PBA membership can be found by visiting www.sspba.org.



NATIONAL RIFLE ASSOCIATION

Police officers carry firearms every day to protect and serve those who cannot protect themselves. NRA supports the people who face extraordinary circumstances and act with courage, honor, and self-sacrifice to keep our communities safe.



SHOULDER TO SHOULDER WITH LAW ENFORCEMENT