



THE WATCHFUL EYE

Official Publication of the Ga. State Fraternal Order of Police

Vol. 17 Number 2

December, 2007

www.georgiafop.org

Pressing Matter

Dealing with reporters doesn't have to be daunting

By Steve Jones

Not even the average guy on the street is comfortable in front of a camera or talking to someone brandishing a notebook. So you can be certain you're not alone if you feel the same at a three-car collision or outside a courtroom. By keeping a few points in mind, you can go a long way toward putting yourself at ease.

Speaking with the press

If you're in a city or county large enough to have a member of the department whose sole function is to serve as the public information officer (PIO), consider yourself fortunate. Pretty much every reporter with whom you come in contact, you can refer to your PIO.

But talk to your PIO. Everyone has their own style and approach. Find out in which situations he or she feels comfortable allowing officers to give information without first clearing it.

If, on the other hand, you're an officer in a municipality of fewer than 5,000 people or a county of fewer than 10-15,000, chances are great that the police chief or sheriff isn't going to drag your PIO out of bed for every wreck, shooting and break-in that takes place. Dealing with reporters is typically a secondary function for that officer, so be willing to provide whatever *verified, factual* details you can on the scene.

But remember: You don't have to tell everything and, in many cases, shouldn't.

It's not lying to hold back. Good phrases to remember:

- "Give me some time to verify that."
- "I don't have all that information right now but will try to get it to you later."
- "Unfortunately I'm not at liberty to discuss those details until the investigation is completed."

If someone is dead at an investigation scene, obviously you don't want to share information about the deceased if no one in his or her family has been contacted. If someone has been raped and the victim is

shouting from an ambulance that the local state senator was the perpetrator, obviously the amount of information you can share will be minimal because you must keep the investigation in mind.

Just be willing to be available later and to *return phone calls*. If you know you won't be able to follow up on something until your shift is over, give the reporter a good idea of when you'll be available so he or she won't have to wonder when you'll respond to a voice mail.

Make an ally, not an adversary

Just as most police officers aren't hanging out in doughnut shops or abusing suspects, most reporters are, like you, only trying to do their jobs. Geraldo Rivera is the exception rather than the rule.

Do some research. Is the main local news outlet a weekly newspaper? A daily? Find out who covers your department, introduce yourself and get an idea of his or her regular deadline.

For instance, if it's a weekly with a deadline of noon Tuesday, it goes without saying that a reporter calling you on Tuesday morning about an overnight fatality is facing a major time crunch.

However, if a reporter walks up to your table at lunch and asks why the sheriff spent \$20,000 on a new vehicle it seems he didn't need, matter-of-factly and respectfully refer him or her to your PIO or, in the event your department doesn't have one, your supervisor. There's no need to be defensive. When he or she realizes that you know how the system works, you'll be off the hook.

Keep in mind that reporters constantly have to brainstorm and dig around for story ideas. They often have an editor breathing down their necks or a deadline looming with airtime or newsprint to fill.

Any time you can give a reporter a lead on a story, particularly one that will reflect well on the department, don't hesitate to do so.

Say, for example, it's the 25th anniversary of the use of police dogs by the department. Let your reporters know and be prepared with a good angle: "Every single dog we've had has been involved in saving a life or apprehending a suspect."

Maybe there are officers who do something noteworthy in their off time: "Did you know Officer Smith has volunteered with Big Brothers/Big Sisters for 15 consecutive years?" (Our officers are community-focused.) "Did you know Officer Johnson has written a crime novel?" (Our officers are intelligent.) "Did you know Officer Williams teaches fly fishing on his days off?" (Our officers are multifaceted.) "Did you know Officer Jones will be competing nationally after winning a regional racquetball tournament?" (Our officers stay in shape.)

• Keep national and state news in mind and offer a local angle. "I'm sure you heard about (the high school shooting in California/the flood in Massachusetts), so I thought you might be interested in hearing how we're prepared to handle a similar situation."

Final thoughts

What if you are the sheriff, the police chief or someone else in a supervisory role? If you haven't already done so, take a media crisis training course and, at the very least, develop a plan for your department's relationship with reporters. And if you have a PIO, always check with him or her before talking with any reporter. You appointed him or her as your communicator for a reason. Make the PIO's job easier, not harder, by keeping him or her informed and your first point of contact for reporters.

The bottom line: If you begin to regard reporters as your greatest means of reaching the public rather than as public enemy No. 1, you'll find yourself more comfortable – and more prepared – when you deal with them on a regular basis.

THE WATCHFUL EYE is the official publication of the Georgia State Lodge Fraternal Order of Police. Send all inquiries to Georgia State Lodge Fraternal Order of Police, 772 Maddox Dr. Suite 104, Ellijay, Ga. 30540

2006-2008 Officers

President - Carlton Stallings
First Vice President - David Stone
2nd Vice President - Randy Robertson
Secretary - Marlin Humphrey
Treasurer - Steve Gaynor
Sgt. at Arms 1 - Jack Willis
Sgt. at Arms 2 - Donald McDuffie
Chaplain - R. E. "Sarge" Orr
Chairman State Trustee - Jorge Mestre
Immed. Past President - Dan Scoggins
National Trustee - W. E. Peacock

The Watchful Eye

Editor - Marlin Humphrey
Assistant Editor - Bonnie Williams
Associate Editor - Bob Mathews

SECRETARY

The January Full Board meeting will be held at the Wingate Inn, Buford, Ga. on January 12, 2008. The meeting will begin at 10:00 a.m. and I will be available after the meeting to answer questions concerning the new National F.O.P. data system. Remember, this system is constantly being upgraded and the purpose of the system is to enable local Lodge Presidents and Secretaries to have access to their membership. Lodge Secretaries are now able to add members, delete members, change addresses and change names on line. If you are a newly elected Lodge Secretary and you need assistance in using the new system, please call the State Lodge office at (800) 305-0237.

The Georgia State Lodge website (www.georgiafop.org) is a great source for law enforcement news as well as information on upcoming events and training. We are constantly updating the website with new information. If you are aware of news you feel would be of interest to the membership, please forward this information to marlin@georgiafop.org.

PRESIDENT'S MESSAGE

It's Your Future

Times are changing and I'm not sure it's for the best. Important benefits for police officers throughout this state are diminishing fast. If you are reading this article you are either retired or plan to retire one day. Many young officers make the mistake of thinking retirement is way down the road. I've got news for you. It's right around the corner. The amount of your retirement, annual cost of living raises and health care benefits will determine the quality of life you live for many years.

Recently, the Governmental Accounting Standards Board (GASB) in Washington required state and local governments to take a series of steps that include quantifying the unfunded liabilities associated with retiree benefits. Results of these assessments must be reported in governmental audits and updated regularly. As a result of this, governments are looking for cost reduction options. The ability of governments to cut retiree health benefits for current and past workers is an evolving area of law. To the extent that local governments have promised employees in statute, in collective bargaining agreements, or elsewhere, that it will pay a portion or all of their health care during retirement as deferred compensation, may be a vested contractual right of the employee as are pensions.

You can bet that your benefits will continue to be in danger unless you have a collective voice in Washington, Atlanta and your local government. Now, more than ever it's vitally important to be part of an organization that has the ability and desire to protect your future. The best way to accomplish this is through the FOP and collective bargaining.

Collective bargaining has cleared the first hurdle in Washington and hopefully will become a reality soon. We will have a battle in the U.S. Senate, but rest assured your FOP is up to the fight. Our Senators that will vote on this issue are Saxby Chambliss and Johnny Isakson. Please let them know how you feel and let your voice be heard.

Collective bargaining is nothing new to many northern and western states. In the south, it will be relatively new territory. In Georgia, we plan to be ready. The State Executive Board has budgeted money for one member from each Lodge throughout Georgia to participate in a four day collective bargaining training session in 2008. We plan to bring experienced instructors from collective bargaining states to the metro Atlanta area for this important training session. You will be notified when the date and location is finalized.

It's your future. Working together, we can protect it.

Carlton Stallings

If you are not a member of the Legal Defense Plan and you would like to join, please contact the State Lodge for information and an application. The cost is \$197.00 per year, if you join the plan through the State Lodge. This amount is prorated if you are joining the plan in the middle of the billing cycle.

Next year (2008) we plan on distributing the State Lodge newsletter by email as a cost saving measure. If you are not receiving email updates from the State Lodge, please forward your email address to marlin@georgiafop.org. If you would like to receive a hard copy of the newsletter, please notify the State Lodge office by March, 2008.



Easter Seals

Easter Seals of North Georgia Entering Six New Communities to Provide Head Start Early Education

Easter Seals North Georgia is excited to announce it will soon begin providing Head Start early education and care services to children and families in six child development centers in the following counties of northeastern Georgia: Barrow, Madison, Oconee, Jackson and Walton. This expansion will allow Easter Seals to work daily, with an additional 460 children between the ages of 3 and 5. Easter Seals will also expand therapy services in these counties as well.

Johnson and Johnson Award Grant to Easter Seals North Georgia

Easter Seals North Georgia were awarded a grant from Johnson and Johnson to start a Telepractice program. This grant will afford Easter Seals the opportunity to purchase equipment that will give Easter Seals the capacity to provide speech therapy and the P.L.A.Y. project via the internet. There is a shortage of therapists in Georgia, particularly as you move into our more rural counties. This will ensure that children will be able to receive therapy and specialized autism services wherever they reside. Easter Seals will also have limited scholarships available with this program.

Howard Billingslea

Chairman Georgia FOP Easter Seals Committee

National FOP Easter Seals Committee

Georgia Trooper Lodge # 100



F.O.P. Lodge 100 Member Scott Smith along with Willie G. Davidson (owner of Harley Davidson) after stopping at a gas station in North Georgia.

GOVERNOR'S PUBLIC SAFETY AWARDS CEREMONY HONORS DNR LAW ENFORCEMENT OFFICERS

SOCIAL CIRCLE, Ga. (October 11, 2007) - Two outstanding law enforcement officers with the Georgia Department of Natural Resources (DNR), Wildlife Resources Division (WRD) were honored Friday, Oct. 5, for their exemplary dedication and service to conservation enforcement and community. Governor Sonny Perdue presented Captain Ralph Sheppard with the Governor's Public Safety Award for 'Outstanding Contribution to Profession,' and Ranger First Class (RFC) Shawn Clark with the award for an 'Act of Heroism.'

"The State of Georgia is fortunate to have people, such as Capt. Sheppard and RFC Clark, who will go above and beyond their duty of protecting our natural resources," says WRD Chief of Law Enforcement Col. Terry West. "I commend both honorees for their dedication and contributions toward our conservation enforcement efforts and our community."

Capt. Sheppard currently serves WRD as academy director of the Georgia DNR Training Academy in Forsyth. In his 30-plus year career with DNR, he has served as director of the Academy for the past 20 and is credited with formation of the Academy's curriculum.

The DNR Training Academy, part of the Georgia Public Safety Training Center, offers an unmatched 18-week course, consisting of 10 weeks of Peace Officer Standards and Training Council (POST) required curriculum and 8 weeks of training dedicated solely to conservation rangers. Sheppard successfully accomplished his mission to create an effective and informative curriculum for Georgia's conservation rangers - developing a highly capable staff of 78 POST certified instructors trained to cover a wide variety of topics ranging from environmental laws and federal game and fish laws to hunter education and courtroom demeanor and testimony. Because of Sheppard's dedication and diligence, DNR rangers are some of the most well trained peace officers in the State, making him worthy of this most recent 'Outstanding Contribution to Profession' Governor's Public Safety Award.

RFC Clark, awarded the 'Act of Heroism' award, was recognized for an outstanding selfless act of courage. Clark's supervisors nominated the dedicated officer for witnessing and immediately responding to a house fire and rescuing the unaware occupants. On his way to a night deer hunting call, Clark noticed a house on fire. He notified 911 for assistance and then proceeded to alert the occupants of the home. After knocking and yelling for them, he instinctively kicked in the door and continued to yell for the occupants. The adults responded and alerted Clark of their baby upstairs. Clark directed the parents outside and continued upstairs to find the sleeping baby. He retrieved the baby and the family survived the fire unharmed. The outcome of this house fire may not have been so positive without Clark's quick response and selfless act of heroism. Clark is an outstanding example of a DNR conservation ranger, going above and beyond the call of duty and helping his community. For this, he makes a worthy recipient of the 'Act of Heroism' Governor's Public Safety Award.

DNR law enforcement officers are nominated for the Governor's Public Safety Awards by DNR staff. Nominations include an explanation of why the nominee is deserving of the award, detailing the outstanding service provided. Nominees are reviewed and award recipients are selected by the Governor's Public Safety Awards committee.



Governor Sonny Purdue and Captain Ralph Sheppard



Governor Sonny Purdue and RFC Shawn Clark

“YOU ARE SERVED”.... NOW WHAT???

Lance J. LoRusso, Esq.

General Counsel

With very little ceremony and no words of instruction, the United States Marshall handed you some papers and left the building. Although your curiosity was piqued, you were on the way out the door for a part-time job. You tossed the packet into your car and left the precinct. By the end of your son’s soccer game that evening, the documents and the details of how you were served were at the back of your mind. You set the alarm for 0500 hours and went to bed that night thinking about the rest of the week and the promotional exam next month.

The packet sank to the back of your mind and arose weeks later like an iceberg waiting for the Titanic. You begin to review the packet and realize the severity and sweeping nature of the allegations against you. You call a personal friend who is an attorney. She tells you that you now have 10 days to respond to the lawsuit. Your schedule just moved from hectic to frantic. Words like “excessive force,” “negligent supervision,” and “punitive damages” spin around in your brain as you struggle to reconcile the allegations in the lawsuit with the reality of events that occurred many years ago.

This article will give practical advice to law enforcement officers who work hard to enforce the law and plan for the future only to be accused of wrongdoing during the course of their duties. You will see how a few simple steps can transform a frantic reaction into a carefully planned response to a critical event.

If you are in law enforcement long enough, you will be involved in a lawsuit. All lawsuits must be taken seriously. The intent of this article is not to intimidate or frighten anyone; the lawsuit will be frightening enough. My goal is to share a healthy dose of reality.

NEVER UNDERESTIMATE THE POWER OF PANIC

No task this important can be left to chance. Whether you read this article as an officer, supervisor or agency head, you should plan for the worst case scenario with your command staff out of town and a heavy workload. Simply put, have a plan. Write it down and make certain the key players know what to do.

Start with a checklist. Checklists are easy to create, easy to read and easy to follow. Review the checklist with your staff and the attorney responsible for handling such a suit and you will be on the way to formulating an appropriate response to a lawsuit.

LITIGATION CHECKLIST TO IMPLEMENT UPON SERVICE OF A LAWSUIT

1. Gather ALL the documents you receive, put them in an envelope and seal it.
2. Write down the details of service on the outside of the envelope (date, time, place, description of person serving).
3. Call *your* attorney immediately. More on this below. Do NOT sign anything to “accept service of process” until you speak with your attorney. Do not agree to speak or meet with anyone about the lawsuit without your attorney present.
4. Call your chain of command immediately. Do not discuss the details of the underlying incident. This call is for the sole purpose of notifying them about the lawsuit. If you are a member of the FOP Legal Defense Program, you should notify that entity EXACTLY as set forth in your policy.
5. Schedule a meeting with your attorney within 5 days to discuss the lawsuit, the likelihood of success, legal options and the documents and resources needed to defend the lawsuit.
6. After the meeting, preserve and begin copying the necessary documents.
7. Help your attorney meet with witnesses, training personnel, co-workers and supervisors who have knowledge about the lawsuit. You may need to assist by locating officers who left the department or law enforcement.
8. Instruct witnesses and involved parties, especially co-defendants to speak with your attorney about the lawsuit and to avoid any discussions with each other.

9. Check in with your lawyer and ask for updates at key points such as when the formal answer is filed, when discovery reveals important issues, before and after court hearings and before settlement, dismissal or trial.

10. After the case is over, sit down with your attorney and critique your reaction to the lawsuit, the merits of the lawsuit and any changes in procedure that will reduce or eliminate future liability.

CONCLUSION

Finally, people always ask me if they should have their own attorney in addition to the attorney who represents the city or the county. I believe it is always a good idea to have your own attorney. In the vast majority of cases, your employer will be on your side. However, your personal attorney can monitor the case and let you know if your interests will or may separate from your agency.

Take the time to develop a litigation checklist with an attorney you trust to guide you in the event of a lawsuit. If you are involved in an incident that you believe may lead to a lawsuit, sit down with the attorney who represents the city or the county before a lawsuit is filed. Don’t leave one of the most critical and potentially devastating events in your career to chance.



FIRST VICE PRESIDENT

A question was brought to me during the run up to the November elections. If a FOP lodge buys a newspaper ad endorsing a candidate, would they jeopardize their tax exempt status? Several years ago while serving as Treasurer for Lodge #13 during an IRS audit, I was told that it could result in losing this status and liable the Lodge to pay income tax. To verify this, I contacted National Treasurer Tom Penoza. He researched Grand Lodge paperwork and talked to their accountant and come to this conclusion that I want to pass along to our local lodges. Grand Lodge publication "**CORPORATE AND TAX AFFAIRS OF A LODGE**" states in part, "if a lodge spends monies to influence the selection, nomination, or appointment of any person to *any* public office in any political organization, the lodge will not lose its tax exemption. *However*, the lodge will be subject to income tax because of these political expenditures." If a lodge spends money in this way, their tax liability would be the lesser amount of 35% of the political donation or 35% of the investment income earned by that lodge in that taxable year. If a lodge does not have any investment or interest income, they don't have to pay any tax for the donation. A newspaper ad endorsing a candidate would be considered a donation. Also, the amount spent on the donation can not exceed 10% of the lodge's annual income.

"A lodge may set up segregated fund or a separate organization (e.g. political action committee) to make political contributions if certain requirements are met. The effect of such a segregated fund would be to limit the amount of tax on the political contributions to the amount of the net investment income of the fund, rather than the net investment income of the lodge." A PAC fund involves complicated laws regarding its formation and operation. A competent lawyer and/or accountant must be involved in its creation. Donations to a PAC cannot be made by a lodge nor can they be a part of the member's dues.

With this information, it will be the decision of local lodge leadership whether or not to make political donations. Is it worth the tax liability the lodge may incur to support a candidate? Can a local lodge afford the creation of a PAC and can it be funded at a level to be of good use? These are just a few of the questions that must be explored if a lodge wants to be politically active by making donations. 2008 is an election year in Georgia and we urge our lodges to seek qualified candidates that support law enforcement and provide backing to them as your lodge sees fit. I hope that this information helps in your decision making process.

David Stone

NEW IRS TAX FILING REQUIREMENT FOR LODGES WITH LESS THAN \$25,000 OR LESS

The Pension Protection Act of 2006 requires your Lodge to file an Annual electronic notice for tax periods beginning after December 31, 2006, if your Lodge is not required to file Form 990 (or 990-EZ), Return of Organization Exempt From Income Tax, because your gross receipts are normally \$25,000 or less.

The notice will require your Lodge to provide is:

- Organization's legal name,
- Any other names your organization uses,
- Organization's mailing address,
- Organization's website address (if applicable),
- Organization's employer identification number (EIN),
- Name and address of a principal officer of your organization,
- Organization's annual tax period,
- Verify that your Lodge's annual gross receipts are still normally \$25,000 or less, and
- Indicate if your organization has terminated (is no longer in business).

THE POLICE CODE OF ETHICS

There are few professions that demand so much moral fiber as policing. Police stand in "harm's way" not so much against enemies with bullets, but against enemies skilled in every form of trickery, deceit and deception. That's why the Law Enforcement Code of Ethics, published by the International Association of Chiefs of Police, stands as a spirited reminder to the higher order of this calling:

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception; the weak against oppression or intimidation; and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in my thought and deed in both personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duties.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill-will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession -- law enforcement.

HAPPY HOLIDAYS FROM THE STATE AUXILIARY

The Georgia Subordinate Auxiliaries are very busy planning for the Thanksgiving and Christmas Holidays. Here are some of the activities:

Kermit Sanders Lodge # 13 – Cobb County - The auxiliary is preparing food baskets for Senior Citizens that will be handed out the week of Thanksgiving. Each basket will have several cans of food plus a gift card to purchase perishable food items. The gift cards are donated by the FOP. The auxiliary's fundraiser this time of year is a Letter from Santa this year, the letters will be postmark from the North Pole! This is a great way to spread cheer to children of all ages.

Karl Eidam Lodge # 9 - Columbus - The auxiliary is planning a Holiday Bazaar and Food Baskets for Christmas. They will be assisting their lodge with a "Halo 3" tournament and their annual Shop with a Cop.

Frank W Mobley Lodge # 7 - Savannah is gearing up for the holidays with a Children Christmas Party December 1st, Shop with a Cop December 8th and the Adult Christmas Party December 22nd.

The State Auxiliary asks everyone to participate in the Blue Light Program. Please replace a white bulb with a blue bulb in your window display during the holiday season. This is to honor all Law Enforcement Officers who have died in the line of duty and to say "Thank You" to all emergency people working this holiday season making our holiday a safe one.

If you are interested in more information about starting an auxiliary at your Lodge, or any of the events mentioned, please contact me at NICIJA@aol.com or 770-439-6858.

WISHING EVERYONE A VERY SAFE AND HAPPY HOLIDAY.



Ramona Stone

President,

GA State FOPA

Sovereign Lord, we bless you O'God, of awesome deeds and abundant goodness, you choose the outcasts of this world to inherit the kingdom. You call people by the voice of your spirit of adoption, and for your gift of such a blessing, we praise you. Peel back the layers of callous cataracts that this world has deposited over our eyes. Give us the power to see your Spirit at work in lives that we would ordinarily overlook. In times of despair, give us the grace and hope to see your Spirit at work, even in our own lives. In the name of your Son, our Lord and Savior, we pray. Amen

R. E. Sarge Orr
State Chaplain

GA. F.O.P.
772 Maddox Dr. Suite 104
Ellijay, Ga. 30540

NON-PROFIT ORG.
U. S. POSTAGE
PAID
ATLANTA, GA.
PERMIT #4245