



Fraternal Order of Police

BlueNote

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Mark Tucker Memorial Award Nominations Will Be Accepted Through September 21st

By Michael H. Schwartz
BlueNote Editor

The North Carolina Fraternal Order of Police is currently accepting applications for the 2009 Mark R. Tucker Memorial Award.

The award was established to honor active or retired FOP members who display dedication and tenacity in the furtherance of the ideals and values of the Fraternal Order of Police.

The award will be presented in October at the state board meeting in Clemmons.

The deadline for submitting a nomination is Sept. 21.

Previously called the Thomas Kelly Award, the State Lodge changed the award's name to honor Tucker, an active member of the Fraternal Order of Police and a past president of the Wake County Lodge. Tucker was killed in the line of duty on Feb. 12, 2004.

A native of Salisbury, Tucker was a deputy with the Wake County Sheriff's Office when he observed a

person firing a shotgun in a field and stopped to investigate.

The suspect, who was on felony probation, thought he was going to be arrested for firearms possession, shot and killed the 49-year-old deputy sheriff. The suspect was later arrested, charged with murder and was sentenced to life in prison.

Tucker began a career in law enforcement in 1976 as a Wake County deputy. In 1999, he left the sheriff's



Mark Reid Tucker

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Long Beach, California, site of the 2009 Biennial National Conference.

North Carolina Delegates To Attend National FOP Conference In Long Beach, Aug. 16-20

From Staff Reports

The Fraternal Order of Police 2009 Biennial National Conference will be held Aug. 16-20 in Long Beach.

The conference is expected to draw thousands of law enforcement officers to California for the five-day event. Fifty-one delegates from North Carolina, representing local lodges, have pre-registered to attend.

The 59th FOP conference will be held at the Long Beach Convention Center. The North Carolina delegation will be staying at the Guesthouse Hotel.

Along with attending daily business meetings, delegates will have the opportunity to participate in free training as 11 daily seminars

are planned. Registration is required and delegates can sign up for the seminars at the conference site.

If you haven't made arrangement yet for transportation to California and while in Long Beach, the FOP has arranged discounts for airfare and ground transportation.

Offers for discounted transportation can be found on the conference's Web

site, which can be viewed at www.fop.net.

JetBlue is offering FOP members a five percent discount on flights to Long Beach. There is a link to their reservation desk from the national Web site.

Travel service discounts through Expedia, Priceline and Travelocity are offered through the standard members' benefit package as well.

Enterprise Rent-a-Car is providing a discount for car rentals and Supershuttle has transportation from the airport to local hotels.

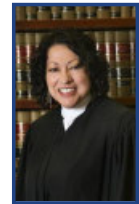
The California State Lodge has arranged for daily transportation from hotels to the conference center.

FOP Supports Sotomayor Nomination

From Staff Reports

The Fraternal Order of Police is supporting the nomination of Judge Sonia M. Sotomayor to the Supreme Court.

"Speaking as a law enforcement officer, I think it says a lot about the character of a young lawyer,



Sotomayor

fresh out of Yale, to decide to begin her legal career as a prosecutor in the District of Manhattan at a time when crime in our urban centers was increasing at an alarming rate," said David Hiller, national vice president.

"In five years with that office, she put a lot of bad guys behind bars and forged a genuine respect for the men and women working the beat in Manhattan," he said.

In 1992, Sotomayor was nominated to the U.S. District Court for the Southern District of New York by President George H.W.

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Articles, announcements and photographs should be submitted to the North Carolina State Lodge no later than the 15th day of the month prior to publication.

The BlueNote has entered into a partnership with PoliceOne News and NewsUSA to provide news affecting law enforcement for our newsletter.

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Guidelines For Submitting Nominations For The Mark Tucker Memorial Award

From Staff Reports

Nominations for the 2009 Mark R. Tucker Memorial Award are to be submitted in resume form, by a lodge subordinate to the North Carolina State Lodge, and will state the qualifications of the member being nominated.

The following guidelines are to be followed for submission of a nomination to the Awards Committee:

- All nominations submitted must be legible and include an explanation of the applicant's qualifications for this award.

- A lodge in good standing and subordinate to the North Carolina State Lodge must submit the nomi-

nation. No individual shall submit his or her own nomination.

- Nominations should be submitted on the basis of their service and dedication to the ideals, values and spirit of the Fraternal Order of Police.

- Only active FOP members currently working in law enforcement or retired from law enforcement will be considered for this award.

- All nominations will be sent to the Awards Committee chairperson who will then forward copies to the committee members.

- In order to allow ample time for review of nominations a deadline will be established each time nominations for this award are consid-

ered. The deadline for submitting the 2009 nomination is Sept. 21.

- After each committee member receives copies of all properly submitted nominations, committee members will advise the Awards Committee chairperson of his or her choice prior to the deadline established by the chairperson for the given award date.

- The Awards Committee chairperson will then advise the state president of the committee's selection.

- The state president and/or the committee chairperson will present to the recipient of the Mark R. Tucker Memorial Award a plaque at the Fall Board Meeting or at the Fall Board Meeting/State Conference.

Tucker

office when he was appointed by President Bill Clinton as an U.S. Marshal for the Eastern District of North Carolina.

In 2002, Tucker returned to the Wake County Sheriff's Office where he was assigned as an investigator.

"The award honors and celebrates our brothers and sisters who work tirelessly in the furtherance of the goals of our fraternity," said Phillip A. Ferguson, chairperson of the state lodge awards committee.

"Certainly each and every lodge can produce a worthy nominee," he said.

The following members are previous recipients of either the Tho-

mas Kelly or Mark Tucker Memorial Award:

- Bob Stewart of Eden Lodge #5
- Jeff Ensinger of Charlotte-Mecklenburg Lodge #9
- Phil Wiggins of Durham County Lodge #2
- Dennis McCrary of Charlotte-Mecklenburg Lodge #9
- E. Buddy Moretz of Eden Lodge #5
- Terry Mangum of Durham County Lodge #2
- Leo Johnson of Charlotte-Mecklenburg Lodge #9
- Jack O'Brien of Ashe County Lodge #54
- Larry Walker of Charlotte-Mecklenburg Lodge #9
- Don Penix of Charlotte-Mecklen-

burg Lodge #9

- P.T. Williams of Durham County Lodge #2
- Randy Hagler of Charlotte-Mecklenburg Lodge #9

Nominations are to be submitted in resume form, by a local lodge, and states the qualifications of the FOP member being nominated. Individuals cannot submit nominations.

The completed application should be mailed to Ferguson, 186 Riverlane Road, Jarvisburg, NC 27947.

If you have questions about the program, contact Ferguson at 252-202-8883 or you can email him at pferguson@townofduck.com or whydonturun@yahoo.com.

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Sotomayor



Photo By Senator Patrick Leahy

National President Chuck Canterbury (second left) appeared before the Senate Judiciary Committee on July 16 to speak in favor of Judge Sonia Sotomayor's nomination to the U.S. Supreme Court.

Bush, and was unanimously approved by the Committee on the Judiciary and then unanimously confirmed by the U.S. Senate, making her the youngest judge in the district.

In 1998, she was named to the U.S. Court of Appeals for the Second Circuit, one of the most demanding circuits in the country, by President William J. Clinton.

As an appellate judge, she has participated in over 3,000 panel decisions, and wrote roughly 400 opinions, handling difficult issues

of constitutional law, complex procedural matters, and lawsuits involving complicated business organizations.

"Having reviewed numerous rulings involving law enforcement officers, I can say this is a judge in whom any beat cop can have confidence," Hiller said.

The FOP cited the judge's rulings in *United States v. Santa*, *United States v. Heatley*, and *United States v. Clarke*, as decisions in which Sotomayor "made the right call" in weighing the facts

of the cases and the good faith actions of the investigating law enforcement officers to admit evidence at trial and uphold convictions.

"Our National Executive Board considered these cases, as well as others, and the decision to support Judge Sotomayor was unanimous," Hiller said. "From the standpoint of the officer as a government employee and as a cop on the street, I think we can have a lot of confidence in her judgement. We will be working hard to support her nomination."

On July 16, National President Chuck Canterbury testified at the Senate Judiciary Committee offering the national lodge's support for Sotomayor.

Canterbury told senators that Sotomayor forged an excellent working relationship with law enforcement while serving as a prosecutor in New York. "She earned their respect and had the reputation as being tough, which in my profession is a compliment," he said. "I can say that Judge Sotomayor is a jurist in whom any beat cop could have confidence."



Hiller



FOP Works To Improve Communications

Greetings from the North Carolina State Lodge, Fraternal Order of Police.

I am extremely pleased to report that our *BlueNote* is up and running again and will be made available to you every two months.

One of my stated goals, during my campaign, was to work to improve communication to and from our membership. The *BlueNote* is one way to accomplish this.

For those members who have not, I encourage you to provide your email address to the Office Manager Jean Novellino at ncfop@nc.fop.com as soon as possible. Also, encourage other members to do the same. Your e-mail address not only allows us to send you the *BlueNote*, it also provides the means for instant exchange of vital information.

I would like to thank Vice President Randy Hagler, who manages the *BlueNote* and our Web site, and Brother Michael Schwartz, the new editor of the *BlueNote*, for their extraordinary efforts in the production of an exceptional and professional newsletter.

I have been extremely busy conducting State Lodge business since our last meeting. We have a new residential telephone solicitation company, JAK Productions, under contract. All of the necessary paperwork has been prepared and filed at the appropriate venues.

As of this writing, we are currently waiting for the final green light from the state's Solicitations Office so that our calling can begin. I am still working to get a contract with Gary Coyne and his company, ABL, to do our business solicitations.

A list of our local lodges which do some type of business solicitation has been submitted to Coyne. I am expecting to hear from him in the near future and hopefully will be receiving a contract to review for our business telephone solicitations.

I recently traveled to Clemmons and met with the officers of the Winston-Salem/Forsyth County Lodge #8 concerning our Fall Board Meeting.

Thanks to Lodge President Bruce Gouge, Vice President Barry Westmoreland, and State Trustee Buddy Russ for their efforts in securing a suitable hotel and large meeting room at an economical rate.



Terry Mangum

State President
marman@verizon.net

The board meeting will be held Oct. 9-11 at the Village Inn Golf & Conference Center, 6205 Ramada Dr., Clemmons. The room rate is \$70 plus tax. Clemmons is centrally located in the state, which will save us money.

You must make your reservations by calling 800-554-6416 or 336-766-9121 to receive the special rate, which is the amount the State Lodge will pay.

The Executive Board and the State Trustees will both hold meetings on Friday, Oct. 9. The Board of Directors will meet again on Saturday, Oct. 10, beginning at 8:30 a.m. sharp.

All members are encouraged to attend the Board of Directors meeting Saturday.

Also, do not forget the Collective Bargaining Labor Seminar that the North Carolina State Lodge is co-hosting with the South Carolina FOP Oct. 24-27 in Myrtle Beach. Both state lodges are paying for the instructors and the training rooms. Local lodges will be responsible for their members' travel, meals, and hotel accommodation.

We have been able to procure excellent room rates in the \$50 range. I am asking each local lodge to identify members to send to this most important training. You must be ready and prepared to represent your membership when North Carolina implements our federal HR413 Collective Bargaining bill once it passes later this year in the 111th Congress.

This is one time that you cannot afford to procrastinate until the opportunity is lost. Established labor unions will be setting up shops as soon as it passes, if they have not already, and will be beating down your doors to represent your membership.

If you and your lodge are unprepared to represent your membership, then they will

be lost to you and the FOP. So get prepared. Identify members who can work labor for your lodge. And send them to our Collective Bargaining Labor Seminar in October. It is that simple but you must act today.

The 59th annual National FOP Conference in Long Beach, CA., is quickly approaching. August 16-20 will be here before you know it and I hope all have completed their arrangements.

I would like to thank Immediate Past President Don Penix, who has served as

chairperson for Travel and Accommodations, for all of his work in coordinating our efforts and serving as North Carolina's liaison with the Long Beach Conference Committee.

I encourage all local lodges to take advantage of your *BlueNote*. Please send the State Lodge articles and photographs of upcoming lodge events and events that have recently concluded. Share with the rest of the state what you are doing for your membership on the local level.

I am requesting that each state trustee, committee chairperson and executive board member submit at least one article for publication in the *BlueNote* in the next 12 months. That will give each of you a shot at one of six publications in that time frame.

You have been elected or appointed to represent the membership of the FOP and it is imperative that they hear from you.

I would like to close with one final comment and acknowledgement. I wish to thank our Office Manager, Jean Novellino, for her dedicated service to the North Carolina Fraternal Order of Police and our membership.

Most of you have no idea of the volume of work that passes through our State Office and the timeliness and accurateness with which it is completed.

So when you are asked to provide additional information, checks, paperwork, etc., please send it without having to be reminded. There is more than enough to do without sending reminders. And more importantly, DO NOT SHOOT THE MESSENGER.

When you are asked for additional materials, you are being asked on my behalf. So if you feel the need to "shoot" someone, call me up and fire away.

If I can be of assistance to you, please do not hesitate to contact me.

National Leadership Has Important Role In Determining Favorable Issues

As each of you know the FOP Grand Lodge is our parent organization and addresses our issues on a national level.

The delegates at the biennial conference set the agenda for the next two years and it is our elected officers' responsibility to lead our national efforts.

Since this is a two year period, it is necessary that our elected officers make some decisions that they believe are in the best interest of our members but may not have been addressed at the previous national conference.

One of these recent issues is the endorsement of Judge Sonia Sotomayor for the United States Supreme Court. The executive board of the Grand Lodge reviewed all available information that they had and unanimously decided that it would be in the best interest of the Fraternal Order of Police to support Sotomayor's nomination.

I and others have heard from some of you that have expressed concern about whether Sotomayor is the best candidate for this position. The national trustees



Dennis McCrary

National Trustee
dmccraryfop@aol.com

were not consulted on this endorsement but the chairperson of the national trustees represents us on the executive board of directors and voted to support her nomination.

Though this system is not perfect, the Grand Lodge does have to be able to function in a timely and effective manner.

A second issue that has been addressed that you may not have heard about is the resolution of our complaint about eBay allowing the marketing of our merchandise on their site.

Delegates at the last national conference in Louisville passed a resolution calling for a halt of the sales and urged all members to not

support eBay until this action was taken.

It took quite some time for a final agreement to be reached but in June of this year the issue was settled. President Chuck Canterbury said: "I am very pleased with both the outcome and with eBay's willingness to work directly with us They really came through and demonstrated that they are a reliable and responsible corporate citizen."

A final note is an update on our national legislative priorities. I would urge each of you to participate in the FOP Grassroots legislative program, where our national organization will email you concerning important legis-

We Must Be Prepared When Collective Bargaining Comes

By Don Penix

Immediate Past President

I would like to take this opportunity to thank all of you for your support given me during the eight years that I served as president of the North Carolina Fraternal Order of Police.

As I traveled across the state attending local lodge meetings and assisting others in chartering new lodges, I have met many hard working and dedicated members.

Those members, knowing that they do not get paid for their services, jumped right in and started working to make life a little easier for our working law enforcement officers. This is what it is all about. Law enforcement supporting law enforcement.

Now that collective bargaining is just around the corner, we need to buckle down more and support our Labor Council. There is training being done by the National Lodge and all we have

to do is set up dates to bring them to North Carolina.

There is one training session planned for this fall. I encourage lodges to contact Vice President Randy Hagler to get members signed up for this training.

The one thing we do not want is non-police (truck drivers, etc.) organizations coming into North Carolina and trying to tell law enforcement how to do their jobs. The FOP is law enforcement for law enforcement.

As many of you know, I am the chairperson of the National FOP Foundation Ways and Means Committee. My committee has worked hard to find ways to raise funds for the Foundation.

The Foundation supports many programs within the FOP. Many lodges donate to just about anyone that comes and asks for money, then when conferences, meetings, etc. come up, the lodge does not have enough funds to send members to represent the lodge.

We suggest FOP first! Take care of your members first, and then take care of those in the community.



Penix

Treasurer Keeps Check On N.C. State Lodge Finances

By Doris Kirby
State Treasurer

As your treasurer I continue to keep close check on our financial situation.

When the stock market started plunging and we were losing thousands I felt it was necessary to remove the money we had invested with Trans America IDEX.

I withdrew the money from the stock market accounts and deposited what was left into a bank account that would at least earn a couple of hundred dollars a month in interest instead of continuously losing money with nothing to show for it only to hope that the stock market would bounce back.

When 9/11 disrupted the world of stocks dropped significantly. The accounts were just getting back to where we had started when the bottom fell out. This latest even has affected all of us personally.

Hopefully, in the future when the economy stabilizes we will reinvest.

Until the economy recovers, more jobs are se-

cretely being cut and we can expect our organization to suffer.

Every member will need to be frugal not only on the state level but also local lodges. My own lodge is now feeling the blunt. We are tightening up on our expenditures and looking for ways to cut back as is the State Lodge.

The North Carolina Fraternal Order of Police is now under contract with a different solicitation company that has provided us with a more profitable deal than the previous company.

The NCFOP bank accounts are secure and continue to earn interest.

I will continue to make sure the NCFOP monies are secure, bills are paid on time and we get the best for our bucks.



Kirby

McCrary

lution that either needs your support or opposition.

Please sign up for this program by sending an email to grassroots@fop.net or you can register by visiting the national lodge Web site at www.fop.net.

As of early June several of our bills are seeing some movement in Congress.

State News



Collective Bargaining Seminar Set For Oct. 24-27 In Myrtle Beach

By Michael H. Schwartz
BlueNote Editor

The North Carolina Fraternal Order of Police, in cooperation with the South Carolina State Lodge, is co-sponsoring a seminar on collective bargaining.

The seminar will be held Oct. 24-27 at the Coral Beach Resort, 1105 S. Ocean Blvd., Myrtle Beach S.C.

The seminar will offer new tools for those who are new to collective bargaining and is also a great refresher for experienced personnel involved in creating labor contracts.

It will include hands-on training that combined role-playing activities with classroom instruction. Participants will be engaged in using actual bargaining techniques and strategies in a classroom setting. The National FOP Labor Services Committee is providing the training.

"I cannot overstate the importance of this training to every single lodge in our state," State President Terry Mangum said.

"If you, as a lodge leader, and your members are not prepared for collective bargaining when the law

Registration Deadline July 31, 2009

Please contact the State Lodge Office and notify them how many people from the lodge will be attending the Collective Bargaining Seminar.

changes, there will be numerous other organizations ready to step in and take your members," he said.

The Fraternal Order of Police is offering the training because Congress is currently considering legislation that will allow law enforcement to enter collective bargaining.

If passed, states will have to implement the law within two years. The FOP wants to lead the way in bargaining for law enforcement.

"This labor seminar is our opportunity to prepare selected members with the knowledge and training to represent their respective lodges at the bargaining table in the near future in North Carolina," Mangum said.

Mangum said that the seminar should be attended by members that

may serve on your local bargaining team or those who desire to be on a law enforcement bargaining team.

The State Lodge needs to know how many people who will be attending the seminar from each lodge. They have set a July 31 deadline for notifying the State Office with those numbers.

Seats for the seminar will be filled on a first come, first serve basis. The State Lodge will send a confirmation notice to those who apply, and then you will be required to notify the FOP of the names of persons attending.

The cost of putting on the seminar is expensive. Both state lodges are paying the \$445 per person fee and picking up the cost of the training location.

Local lodges will be required to pick up the cost of per diem, travel and accommodations. The cost of staying at the Coral Beach Resort is \$50 per night plus associated taxes. You can contact the hotel at 843-448-8421 to make hotel reservations.

Because of the high cost of putting on the seminar, lodges that register members to attend but fail to show up will be billed \$300 for each person for spaces that were reserved.

"This is an educational opportunity we have never had before so please take full advantage of it," Mangum said.

You can contact the State Lodge Office at 800-628-8062 or email them at ncfop@nc.r.com to make reservations for the seminar.

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H.R. 235 the "Social Security Fairness Act" has over 287 co-sponsors. The Senate Bill 484 has 27 cosponsors.

H.R. 413, the Public Safety Employer-Employee Cooperation Act" has 81 cosponsors. The companion Senate bill has not been introduced.

H.R. 1972, the "Law Enforcement Officer's Procedural Bill of Rights Act" is just beginning its journey this year but has been introduced.

Please follow this legislation and do what you can to make certain the legislators in your area support our needs.

NCFOP Signs Contract With JAK Productions

From Staff Reports
The North Carolina Fraternal Order of Police has entered into a contract with JAK Productions to handle a new fund-raising campaign in the state.

President Terry Mangum said that company personnel have already started calling residents in the state to raise money on behalf of the NCFOP.

"This has been a long and extremely involved process, from getting the contract worded the way we wanted it, to the mountain of paperwork that we had to review and approve, to the documents we had to

review, approve, and sign, to numerous contacts between their office and our office and then waiting on the State of North Carolina to give JAK Productions the go ahead to begin soliciting in North Carolina," Mangum said in a June 30 letter to local lodges.

At its spring board meeting, the board of directors gave the executive board the authority to negotiate and enter into a contract to start a new solicitation's campaign.

The executive board is still working on a contract with ABI to handle a business campaign.

State Board Meeting To Be Held In Clemmons

From Staff Reports
The North Carolina Fraternal Order of Police will hold its Fall board meetings in Clemmons.

Hosted by Winston-Salem/Forsyth County Lodge #8, the state meetings will be held Oct. 9-11 at the Village Inn Golf & Conference Center at 6205 Ramada Drive.

The executive board and board of trustees have scheduled meetings on Friday, Oct. 9.

The board of directors will hold their meeting on Saturday, Oct. 10. The meeting will start at 8:30 a.m.



The room rate is \$70 per night plus any associated taxes. Reservations should be made directly through the hotel at 336-766-9121 or 800-554-6416 to receive the discounted rate. Please refer to "NCFOP" when making reservations.

The hotel will provide two breakfast coupons per room.

The deadline for making reservations is Sept. 8.

N.C. Trooper Dies From Injuries Suffered In 2007

From Staff Reports
Trooper Kyle P. Barber of Roaring River died at Wake Forest University Baptist Hospital on May 19 following a medical procedure to amputate one of his legs due to injuries sustained on-duty in January 2007.

According to the Highway Patrol, Barber had been recovering from the surgery and was scheduled to be discharged with full intention of returning to work.

Barber, 46, joined the Highway Patrol in May 1985 and was most recently assigned as a patrol officer with Troop F in Wilkesboro.

Barber was assisting another trooper who was investigating an accident involving an all-terrain vehicle in Wilkes County. During the investigation the all-terrain vehicle was being moved and unexpectedly veered across the highway and struck Barber, pinning him against his patrol vehicle and seriously injuring his lower legs.



Trooper Kyle Barber
Barber had received numerous medical treatments for his injuries.

"This is really a shock to the unit," 1st Sgt. Kevin Barker of Troop F told *The Mountain Times*. "He had come back from his injuries and had been back at work for a while and was actively patrolling."

Barker said Barber never complained about his injuries. "He always did what was asked of him and never used his injuries as a crutch. As a trooper, he was a leader in the district."

Legislative News



Bill Would Allow Retired Officers To Work With No Reduced Benefits

From Staff Reports
The North Carolina General Assembly is considering legislation that would allow retired law enforcement officers to return to work part-time without losing retirement benefits.

The legislation passed second and third readings in the House on May 11 and in the Senate on July 15. It has the support of the North Carolina Fraternal Order of Police and other police organizations.

The legislation provides that any city or county can employ a retired local law enforcement officer in a part-time capacity, in a public safety position, and the officer will not cease receiving the Special Separation Allowance benefit so long as the retired officer's part-time employment does not require the officer's participation in the Local Governmental Employees' Retirement System.

In order to not be required to participate in the Local



Governmental Employees' Retirement System, a retired officer who goes back to work part-time must work less than 1,000 hours and must earn less than \$28,080 or less than 50% of compensation, excluding termination payments, reported to the Retirement System during the 12 months of service preceding the effective date of the officer's retirement.

The legislation also clarifies that a retired local law enforcement officer's Special Separation Allowance benefit cannot be termi-

nated if the officer returns to work for the State of North Carolina or a private business employer.

After a local law enforcement officer retires, their Special Separation Allowance benefit will only be terminated upon the officer's reemployment by a local government in a capacity requiring participation in the Local Governmental Employees' Retirement System; upon the death of the officer; or on the last day of the month in which the officer becomes 62 years of age.

Lodge News



Lodges Sponsor Fund-raisers

From Staff Reports
The Gaston County Lodge #6 is sponsoring a gun raffle with proceeds to help the Dirt Dobbers, its championship little league baseball team.

The lodge is raffling off an Bushmaster M4 carbine for the grand prize. A second place prize will be a \$100 Wal-Mart gift certificate.

The drawing will be held on the final day of the Gastonia Police Sniper Competition on Sept. 5. The competition will be held at the Gastonia Police Firearms Training Center at Rankin Lake.

Only 1,000 tickets will be printed and they will sell for \$2 each. The winner will be responsible for obtaining any required permits and pass a criminal records check.

For tickets contact Secretary Michael Schwartz at 704-854-6617.

• The Winston-Salem/Forsyth County Lodge #8 is holding a raffle to raise money for its lodge programs and services.

The grand prize is a gift certificate to purchase a Glock 40-caliber Model 22 pistol, with a retail value of \$499.

Tickets are \$1 each or six tickets for \$5. Tickets can be purchased through the lodge membership.

A second place prize will be a mahogany body pearl inlay mandolin, with a value of \$298. There is a \$50 cash prize for third place; and \$25 prize for fourth.

The drawing will be held Nov. 14.

For information or to obtain raffle tickets, contact State Trustee Buddy Russ at 336-971-0562 or email him at buddyruss101@yahoo.com.

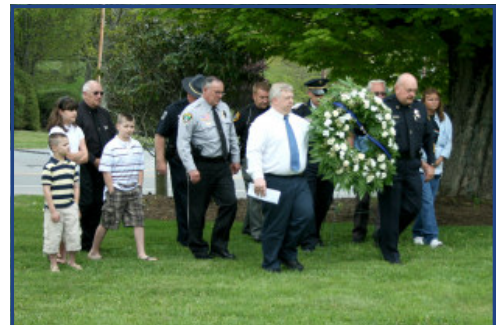
- The Pearson County

Lodge #74 is sponsoring a gun raffle, with the drawing to be held on Nov. 11.

Tickets are \$5 each. The winner does not have to be present to win.

The winner will receive their choice of a 380-caliber Ruger LCP, 40-caliber Glock 22, 40-caliber Glock 23, 40-caliber or 9mm kit Springfield Armory XDM, or \$300 in cash.

To purchase a ticket email President John Byrd at jrbsenior@charter.net or call the lodge office at 336-597-2072.



Remembering The Fallen

Avery County Sheriff Ken Frye (center left) helps carry the wreath for the Avery County Peace Officers Memorial Service that was held in May. The wreath was provided by the members of the Avery County Lodge #91.



The first officers on the scene had never trained for what they found at Columbine High School. No hostages. No demands. Just killing. Columbine has transformed the way law enforcement deals with active shooter situations.

Questions To Ask When Confronting A Shooter

By Betsy B. Smith
PoliceOne News

Officer Justin Garner of the Carthage Police Department responded to a call we've all probably thought about, and hopefully visualized and trained for: an in-process shooting, this one at a local nursing home.

When it was over, eight people were dead, the gunman had been shot and arrested, and 25-year-old Officer Garner was on his way to the hospital, where he was treated and released.

Carthage Police Chief Chis McKenzie said that Garner was the first to arrive and was met by the 45-year-old shooter in a hallway. Garner was described as well-trained, and is already being hailed as a "hero" by his department and by the media.

As we learn more about this incident, we will most certainly be able to learn from the actions of Garner and the other responding units.

Consider these points:

Since Columbine, police departments have made a concerted effort to train their first responding patrol officers how to deal effectively with an active shooter without waiting for a special response team.

We usually train to wait for at least a second (and hopefully a third) officer to arrive before forming an ad hoc team and going after the shooter.

Trainers like Ron Borsch believe that the first officer to arrive on scene should make entry and hunt the killer down. As taught in the Street Survival seminar, back up is always better but you also have to mentally, physically, and emotionally train for that

day when it's just you against evil. Its best to train for a variety of scenarios; and regardless of the training you receive, you should frequently be visualizing your own response to an active shooter in your community.

Schools, churches, malls and now a nursing home are all places we have recently visited or will probably visit in the near future.

Do you carry a gun off duty? Is it accessible, have you discussed active shooters with your family and have you visualized how you would respond?

On duty we go to the calls, but off duty, they come to us. As I worshiped in church this Sunday, I also visualize how I would respond if a shooter burst through one the two entrances to the sanctuary. Is this paranoia, or preparedness? I consider myself prepared.

More than a hundred times I've sat in church and visualized myself in a gunfight there. I've worked out various successful scenarios in my head and I've practiced my repetitions on the range. I've talked to my family and my friends and like so many of you, I am confident in my ability to deal with that scenario.

Ninety-five percent of police officers who get shot are not fatally wounded. Officer Garner was shot in the leg, treated and released. This is something to be thankful for. Our pride and gratitude are with this young officer, who without hesitation answered that call we've all thought about.

■ *Betsy Smith is a 30-year employee with the Chicago Police Department and serves as a training officer.*

Convicted Georgia Cop-Killer Continues To Avoid Execution

By Michael H. Schwartz
BlueNote Editor

A convicted cop-killer continues to use legal maneuvers to avoid execution as the family of the Georgia officer murdered waits in agony for justice.

Troy Anthony Davis has been on death row for 18 years for the 1989 murder of Savannah Officer Mark A. MacPhail Sr. Since his conviction, Davis has had numerous appeals and several stays of execution.

Even though he proclaimed innocence, Davis' appeals have been rejected by each court and new dates set for him to be put to death. The latest execution date was July 14.

Now, the U.S. Supreme Court has agreed to hear the case, but not before the nation's highest court reconvenes in September.

"It makes me sick to my stomach because unfortunately, the things they say are not true. It's been through all of the courts not once, but two or three times to the Supreme Court in Washington and they have turned it down before," said Anneliese MacPhail, the officer's mother.

"The past two years, we've had countless appeals and it just keeps on getting drug out," said Mark MacPhail Jr., his son. "It's always something new because there's always a new appeal, something about the trial or something that was done during the trial. And, you know, always trying to figure out who's telling the truth there."

On Aug. 19, 1989, 27-year-old Officer MacPhail



Savannah Police Officer Mark A. MacPhail was killed by Troy Anthony Davis on Aug. 19, 1989.

was murdered while attempting to help a person in distress.

Working off-duty security for a Savannah restaurant MacPhail responded to an assault where a man was beaten in the head with a pistol. MacPhail chased down the suspects, one of whom was identified by witnesses as Davis.

Witnesses said that when confronted by MacPhail, Davis turned around and shot the officer from a distance of less than five feet. He then walked over to MacPhail who was on the ground and shot him in the head. The officer didn't have time to even draw his weapon. MacPhail died at the scene.

Based on witness statements and identifications, Davis was later arrested for the officer's murder. He was convicted at trial and sentenced to death in 1991.

Since his conviction, Davis has alleged another

person killed MacPhail and that courtroom witnesses lied.

Davis has collected a following of supporters, including elected officials, civil rights and church leaders, celebrities, death penalty activists and the Pope.

The DeKalb Fraternal Order of Police, which represents officers in Savannah, have denounced the delays. They're particularly upset that Congressman Hank Johnson, whom the FOP publicly endorsed for the U.S. House of Representatives office, has championed Davis' appeals.

A June 10 letter to Johnson can be viewed on the national lodge Web site at www.fop.net. It takes issue with his position and notes that 29 judges in seven different proceedings had reviewed the case and determined that Davis' conviction was fair and the death sentence was justified.

Randy Robinson, vice president of the Georgia Fraternal Order of Police, said that Davis is guilty and there is no new evidence to exonerate him.

"There's ballistic evidence and eyewitness evidence and everything else that shows Davis is the murderer of Mark Allen MacPhail," Robinson said.

MacPhail's mother just wants the appeals to end and the sentence to be carried out. "I just want it to be over with. I want justice. I want peace of mind finally," she said. "There is no closure and never will be because my son is gone and I have to live with that."



Photo Courtesy of PoliceOne News

This unusual sign was observed on a highway in Rhode Island. It was actually a warning to motorists that police officers were enforcing traffic laws because of a high number of motorists running the stop sign in this neighborhood.