



Fraternal Order of Police

BlueNote

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Message From The President

By Randy Hagler

Hello and welcome to the September/October edition of the official publication of the North Carolina Fraternal Order of Police, the BlueNote.

Let me begin by thanking all the FOP members from across the State who attended our 22nd Biennial Conference in Durham. We had a very good State Conference and were able to accomplish a great deal for our members while enjoying ourselves at the same time. Our brothers and sisters in Durham County Lodge #2 did a fantastic job of planning events for all the delegates to enjoy after our day's work was completed. I was a little disappointed that our Charlotte Knights did not win the baseball game but they gave it a good try and took the Durham Bulls to extra innings. The cookout at the ballpark was a great idea and it appeared to me that everyone had a great time with plenty of food and refreshments. Thanks again to Durham County Lodge #2 for being our host for the State Conference. Our brothers and sisters



Randy Hagler
President

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from Lodge #1 in Asheville have requested to host our next Biennial Conference in two years so please plan to join us in 2016.

Speaking of the State Conference, we had a great many guest in attendance, many of whom were candidates for various positions in the Judiciary and the Senate. Others simply stopped by to welcome our delegates to Durham and the Conference. I urge you

to look closely at those endorsements, particularly the judicial races which are so important to our members. These are the justices and judges who will be ruling on a wide variety of law and order issues that protects our citizens as well as law enforcement officers. And they make critical decisions involving employee rights which are extremely important to all law enforcement officers across our State. A quick highlight of the candidates endorsed at the 22nd Biennial Conference of the NCFOP is as follows:

United States Senate

Thom Tillis

Chief Justice of NC Supreme Court

Mark Martin

Supreme Court

Samuel J. "Jimmy" Ervin IV

Eric L. Levinson

Mike Robinson

Court of Appeals

Bill Southern

John Tyson

These races are extremely important so please share our endorsements with your friends and family. Also remind them that they will need to be sure to scroll all the way down on the ballot to vote for Justices/Judges. It should also be noted that our legal team did a great deal of research on all of the candidates. This was followed by individual interviews at the Conference with those seeking our endorsement. All of this was done prior to the Endorsement Committee making their recommendations to the delegates in attendance.

The delegates also elected the State Lodge Executive Board for the next two years. I am

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Lodge News

Chaplain's Corner

There was a lot going on at our State FOP Conference during the week of August 13, 2014 and it appeared everyone had good time. We handled a lot of business for our membership.

However, there is one thing that happened that made me extremely proud of our organization. We had a visitor, Cole Lawson, who is a police officer in Canada and he joined us at the Durham Bulls game. What made this special is that he and his wife Shantal had their 2 year old son Nixon Lawson at Duke PICU. They had been there for about three months waiting on a transplant. During that time it was extremely stressful for the family and many tears were shed, but Nixon began showing improvement. We reached out to the family to offer them some time to relax while the grandparents stayed with Nixon. We took Cole and Shantal out for dinner at the Angus Barn in Raleigh, to enjoy themselves as best they could under circumstances.

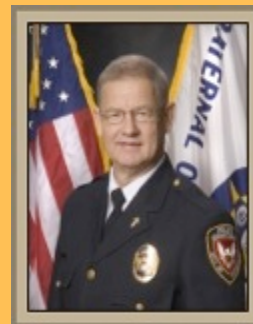
It was later during the special FOP night at the Durham Bulls Baseball game that Cole was invited to join us. He was picked up at Duke Hospital in the FOP car and taken to the game. What was so awesome was watching many of you coming up to Cole and talking with him and offering him encouragement. I was so proud of the FOP. Many prayers were given for this family.

That night will always be remembered by Cole as each of you gave him strength and encouragement.

It is with a broken heart that on Saturday, August 23 at 4:15 p.m. their son Nixon died. As hard as that was, the family will always remember the kindness the FOP extended to them, which will help to ease the pain.

The North Carolina Fraternal Order of Police can be proud!

God Bless,
Phil Wiggins
NC State FOP Chaplain



Phil Wiggins
NCFOP Chaplain
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From left to right State Chaplain Phil Wiggins and Cole Lawson at the State Conference's FOP special night at the Durham Bulls baseball game

A Note from Editor In Chief

By Terry Mangum

It was great seeing everyone who attended our Fall Board of Directors Meeting and 22nd State Biennial Conference in Durham. As I requested at the meetings, please take the time to read the BlueNote articles and feel free to share the issues of the BlueNote with your lodge members, the non-FOP law enforcement officers in your department, your family and your friends.

As you have often heard me say, in order for the BlueNote to benefit our members they have to receive it and then read the articles. The content of the BlueNote helps to inform our membership of activities and other crucial information. But the BlueNote is only sent to members on our e-mail distribution list which is maintained in the State Office. So please continue to request that your lodge members submit their e-mail addresses to the State Office so that they may receive the BlueNote. These e-mail addresses are used solely for sending State Lodge information and the BlueNote.

I would like to thank our members who have submitted articles this year. Your articles and photographs are what makes this publication both useful and beneficial to our membership. The November/December issue is an excellent time to send in an article on your preparation for FOP, Cops and Kids, and other events you may have planned for Thanksgiving and Christmas. The January/February issue is a great time to send me an article on the successes of your November and December events along with the photographs of the events. Please e-mail your articles, photographs and comments to my e-mail address mar-man@frontier.com. Remember, this is your publication so please make it better by submitting articles and photographs.

I would like to recognize and thank our Editor, Jessica Miller, who has done an outstanding job in taking the articles and pictures we send her and laying out our newsletter. I feel, and hope you agree, that we have a first class publication. Jessica has been a pleasure to work with and is extremely responsive to requests, which has definitely made my job much easier.

If I may be of assistance to you, or if you have any questions, concerns, or comments, please contact me. As always, I am here to serve you and our membership.

Article Submission Deadline Dates

November/December issue: Due by October 24, 2014

January/February 2015 issue: Due by December 29, 2014



MANY THANKS!

By Doris Kirby, State Treasurer

Brothers and Sisters,

I would like to thank you for the confidence shown by re-electing me to the office of State Treasurer for the North Carolina State Fraternal Order of Police. I look forward to working with the new executive board members.

I would like to express a special thank you to Donald Penix for his dedication over the years to this organization, not only as State Secretary but also as State President. Don's commitment to the Fraternal Order of Police has been unwavering.

Additionally, I would like to thank the outgoing executive board members, Don Penix and Ron Wyatt, for their service to the State Lodge. Although we are losing a lot of experience from these two gentlemen, we are hopefully gaining new and fresh ideas from the two new board members.

As always I am here to serve our members. If at any time I can assist you or your lodge or answer any questions, please free to call me.

Thank you again for letting me serve another two years as your State Treasurer.

A Message from your Vice President

By John R. Byrd Sr.

Brothers and Sisters,

What a time we had in the "Bull City" my hometown at our Biennial Conference. We had some good discussion on important issues and had an overall outstanding conference. I want to once again thank my Brothers and Sisters from Durham Lodge #2 for doing an outstanding job and arranging some very good events.

I am honored to be going into my second term as your Vice President and I am excited about the opportunities we have before us. As always I am here to serve you the membership. Please don't hesitate to call on me if I can serve you in any way.

We had some very spirited discussion on the issues of Legal Aid and Death Benefits. I hope you will all continue to discuss these issues with your lodges and come up with some suggestions and recommendations on how we can permanently fund these two very important benefits.

Please make plans now to attend the 100th Anniversary National Conference in August 2015. We have found an outstanding hotel in the Double Tree at Green Tree, PA for a rate of \$139.00 a night and it is located right across the river from everything and is about three miles from the convention center. Also Lodge 59 is looking at getting a bus or buses to go to Pittsburgh, so talk it over with your members that may be attending and lets fill the buses. Contact Brother Lester Lowe with Lodge 59 and let him know how many seats you will need. Brother Lowe can be reached at his cell: 910-224-0153 or his email: pirate-lowe@aol.com.

I hope everyone has a safe and relaxing Labor Day. Take care and be safe.

As always I am here to serve you. You can call me anytime at 336-504-8173 or email me at jrbseior@charter.net if I can be of assistance to you or your lodge in anyway.

Photo From left to right, John Byrd, Ron "Duck" Wyatt, and James Shores enjoying the FOP's Durham Bulls Baseball outing

The Forgotten Ones

By Greg Brown, Sergeant at Arms

I would like to thank everyone that thought enough of me to elect me as your new State Sergeant at Arms. I am Honored and Humbled to serve you for the next two years. Brother Shores was a worthy opponent and I do look forward to working with him on upcoming issues. Thank You to Durham County Lodge 2 for their excellent hospitality and the hard work they put in to make this Conference possible.

I have submitted the following article to the Blue Note I wrote for Police One several years ago and I think it appropriate now that I submit it to you the members. As you know this Organization means a great deal to me and I always try to champion for our Disabled Officers when I can.

Please take time to read this and if you do have members of your Lodge who fall into this category I would ask that you help all you can because one day it may be you.

The Forgotten Ones

Many times I read articles about our Brothers and Sisters giving their lives in the performance of their duties and it still saddens me every time I see it. We show our respect by wearing the black mourning band over the badge, or giving them a Police Officers Funeral where hundreds of Officers come from miles around to pay their respects to the family and department. Every year in the month of May in Washington DC at National Police Week they are forever memorialized and written down in the history of Law Enforcement. For an Officer to give his or her life in the duty is the bravest thing one can do. They leave behind wives, husbands, children and parents and they didn't think twice before doing it. But too many times we hear of Officers being injured in the line duty and that is all we hear.

For the most part, if the Officer makes a full recovery and is able to return to active duty then it may make the local news that the Officer has made a complete recovery and is now back on the job. Then there are the ones that fall into the category I call the forgotten ones. The reason I call them that is because that is the category I fall in and I know from experience. Too often these Officers have given years to their respective Departments, States, Cities and Towns, from which they were employed, and are forced to go out on medical retirement. So I will give a point of view from my eyes and show how I felt that I was being forced out of the profession I so much loved and what you can do to still be a part of this great profession.

On September 09, 2005 my life and career changed forever. I will make it short and if you would like to read the whole story check out True Blue II by Randy Sutton (Another Beautiful Day). I answered a call about a man with a gun running people off the road. I located the vehicle and before I knew it the suspect ran out off the house and started shooting. Although I was wearing my vest a bullet entered

below it and shattered the base of my spine. I was told I was not going to make it and if I did that I would never walk. Well ten days later I walked out of the hospital. Before I go any further I must give my wife Shannon all the credit in the world. She was an absolute rock when I was shot. At the time we had a 4 year old and a two month old. She was able to keep everything going while I was in the hospital. So when they say behind every good Cop is an awesome wife or husband, you should believe it.

Over the next 6 months I went to therapy and had extensive surgeries to try and fix my nerves but nothing seemed to help. So as a result I was left with drop foot and was going to need the assistance of a brace for the rest of my life. The doctor said I was not going to be able to run again and my strength in my back was gone. That was devastating news for me to hear. Besides being a ten year veteran and a darn good cop, I was very active outside of my work. I also played sports and it almost killed me that I was not going to be able to do those things. The thing which bothered me the most was the fact that I would never run with my kids again or play with them like I had done before.

Well when all of this started to come on I began talking with my Captain and I will never forget the words she said and how she said it. I wanted to work up stairs in the Detective Division for awhile until I knew for hundred percent I would never work as an Officer again. When I asked her that, she said "**there is nothing they have for me that I can do, the only thing we have for you is retirement.**" I thought to myself, I gave ten years of my life to this Department and City and that is all she can say to me. Well people that know me knew I would not take that very well. I always stood up for the younger Officers and to the Command Staff if I thought something was not right. I was not afraid to speak my mind.

So eleven months after I was injured, on August 01, 2006, I retired. One of the hardest thing I have ever done was taking all my equipment back to the Department and turning it in. After it was said and done, I was a civilian again. So in my eyes I was just employee number 1945 which could be scribbled out and replaced. So then began the process of fighting for Workers Compensation and the Department of Justice for my Public Safety Officers Death and Disability Benefit. I will save that for another article. I will say this in defense of Chief Manley, although I think the Department could have done more he has let me do things most, if not all, retirees cannot do.

Before my injury our local FOP Lodge had begun to grow again since my good friend Ricky Parks had taken over as President. I told him I would definitely be joining and it was kind of ironic because I had the application in my patrol car the day I was shot and was filling it out. So while in the hospital I joined our local FOP Lodge and it was probably the best thing I ever did besides marrying my beautiful wife.

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The Forgotten Ones...

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While I was recovering President Parks received several donations for me and I will tell anybody to this day that if it was not for him and the Fraternal Order of Police, I would have lost my home and vehicles because workers compensation only pays sixty six and two thirds percent. I was not able to work my part time jobs which kept us above water. A year after I joined Rocky Mount Lodge 46 I was elected as their State Trustee. I said I would do my very best to represent our Lodge and the Fraternal Order of Police the same way I represented my Department – with Respect, Professionalism and Integrity. During this time I became very involved with the inner workings of the Fraternal Order of Police and I guess you can say it kept me sane. I was able to go to Washington DC to Congress and became friends with our then Governor, Bev Perdue. I was able to be a part of several special services. One of my most memorable was representing all Disabled Officers at the National Law Enforcement Officers Memorial in Washington DC and being able to place a carnation on the wreath. I was named to several State Committees and represented my local lodge as State Trustee, a position which I have held for the last six years. I was awarded the prestigious Mark Tucker Award which was named for Detective Mark Tucker who had been killed in the line duty in Wake County several years earlier. This award is given once a year to a FOP member in North Carolina that goes above and beyond and represents what the FOP is all about. I was very honored and humbled to receive this award.

Do not get me wrong. During this time I was very depressed and was taking several medications for severe nerve pain and my depression. I gained a lot of weight and did not look like my old self. So in November of 2011 I decided I had had enough. I joined the local YMCA and I hit it like I had never done before. I lost all of the weight I gained and the main results was I was able to quit all of my medication. The depression went away and I was able to do things I had not done in a long time. It was like my mind was clear again.

In closing there are several things that you can do fight the depression and the notion of again being a civilian. Surround yourself with your true friends. They will keep you up to date on what is going on inside of the department. Join a Fraternity, especially the Fraternal Order of Police. They can show you ways to help your fellow Brothers and Sisters behind the scenes. You can help them fight for their rights to works and how they are treated. You will be able to attend meetings and become a family member of a great organization. Go to National Police Week in Washington DC. You can still show your respect for your Brother and Sisters that have fallen. Most of all, find a hobby that makes you happy. I exercise, hunt and fish. It keeps my mind clear. Although it has been a very rocky ride for my family, my wife has stood beside me through it all and if anyone deserve to be happy it's her. So I do these things not only to keep me happy but I do it for my wife and my kids.

Secretary's Cliff Notes and Comment

By Mike Hawkins

I am honored to once again serve as your State Secretary. During the Fall Board meeting and State Conference your Board of Directors worked hard to protect the interests of our members and organization. Major items covered were the Death Benefit, Political Endorsement, particularly Judicial, and Constitution and Bylaws changes.

I am only going to note and comment on the Death Benefit. Your Board of Directors discussed ways of keeping the fund intact and not raising dues. They voted to pay natural and accidental deaths at the same rate of \$3000, maintained the Line of Duty at its current rate of \$9000 and redirected funds to bolster the account. My comment to this action is that it was necessary.

During the meeting they discussed the original intent of the benefit. I believe the title is a misnomer because I find no benefit in death. When started, the benefit was for quick family assistance in the event of an officer's death with the goal being to assist the family as quickly as possible. I personally believe the program should be renamed "The Family Assistance Benefit" and bring back the true intent of the benefit. As a reminder, our membership currently has a \$4000 accidental death benefit through our partnership with American Income Life Insurance Company.

Our organization is only as strong as our membership. If you do nothing else for your lodge and co-workers, you should be recruiting and ensuring that they have those crucial benefits which we provide. I challenge all to bring just one new member into the fold.

In closing I am here to serve. My e-mail address is ncfopss@gmail.com.

Awards News

By Phillip Ferguson, Awards Committee Chairman

The Awards Committee received two nominations for the 2014 Fraternal Order of Police Mark Tucker Memorial Award; Brother Mark R. Michalec of Charlotte Mecklenburg, Lodge 9 and Brother Mike Evans of the Durham County Lodge 2. Though both were very worthy nominees, this year's award went to Brother Mike Evans of the Durham County Lodge 2. Brother Evans is a respected, selfless, and tireless worker for the Fraternal Order of Police whose actions are guided by what he truly believes to be in the best interest of the membership and our organization. Brother Evans has served as President of Durham County Lodge 2 for the past 12 years and under his leadership the membership of Lodge 2 has increased to its highest in the history of the lodge.

Brother Evans consistently attends State Lodge Biennial Conferences, National Biennial Conferences, National

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Got a Minute?

*By Phillip Ferguson
Chairman of State Trustees*

Got a Minute? Or more appropriately minutes. Everyone says they do. But do you really have the minutes? And what are these "minutes"? In our case, the Fraternal Order of Police, minutes are the record of our proceedings, or meetings. Minutes are not a transcript, there is no object in reporting the debates, babble, or ballyhoo; the duty of the secretary, in such cases, is mainly to record what is done by the assembly, not what is said by the members. Our minutes should follow our ritual and show the type of meeting, such as regular or executive board along with the date, the time, the place the meeting was held, and those who were present.

Further, minutes should include whether the minutes of the previous meeting were read and approved or approved as corrected, all main motions, except such as were withdrawn, and motions that bring a main question again before the assembly, stating the wording as adopted or disposed of, and the disposition, including temporary disposition, as well as any primary and secondary amendments and adhering secondary motions then pending. Our minutes should include secondary motions not lost or withdrawn when they are needed for clarity of the minutes, points of order and appeals, and reasons the chair gives for the ruling, and the time of adjournment. Generally the name of the person making a motion is recorded along with that of the second. When a count has been ordered or where the vote is by ballot, the number of votes on each side should be entered.

The secretary should sign the minutes, and it's not a bad idea for them to be signed by the president also. When the minutes are approved, the word "Approved" should be written on the minutes with the secretary's initials and the date. After all this be certain that you email the minutes to the State Lodge, the Constitution & By-Laws/ Compliance Committee Chairman, and the members of your local lodge.

So why is the Chairman of the State Trustees writing about minutes? Well first your minutes are very important, and secondly about two years ago I compiled and published a State Trustees attendance matrix so that we would have a clear picture of which local lodges were regularly participating at the State level. After I published that matrix

THINGS COPS HANG ON THE WALL

By Kent Fletcher

Like most cops I suppose, I enjoyed hanging things on the wall. Plaques, certificates, diplomas and pictures, I liked them all. These hangings all have meaning; a memory or event to preserve. One thing they all show in common is something which helped me to better serve.

Pictures we display are generally of loved ones or those who made our day.

Plaques are for accomplishments or recognitions we've earned along the way.

Diplomas and certificates are for training we have successfully endured. Each one placed carefully on the wall, straight and secured.

I was always proud of those items which hung upon my office wall.

I enjoyed it when others looked at them, each and all.

I enjoyed looking at them myself, as they took me back in time, From rookie days to present on a magnificent career climb.

There will always come the day when these treasures must be taken down. They will be packed away or moved to a new wall perhaps in a new town. For me it was retirement, a time of mixed emotion.

My wall was bare, but was soon to display my replacement's certificate of promotion.

© Kent Fletcher

several State Trustees disputed absences and frankly I have no reason to doubt that those Trustees were present. Here's the kicker; I extrapolated the attendance information from the roll calls recorded in the meeting minutes.

Wait, there's more; after several Trustees disputed being absent at various State meetings I reviewed the minutes from the meetings that followed. What I found was that those who reported being present at meetings where the minutes recorded them as being absent were then recorded as being present at the following meeting where those minutes were approved. Yes, I know, I'm confused now too. The bottom line is that at every meeting we have the reading of the minutes, and at every meeting the motion to accept those minutes as written is made, seconded, and affirmed with a resounding and unanimous "Yea".

I'm not suggesting that the Secre-

tary read the minutes at our meetings, but I'm asking each of you to carefully read them prior to our meetings so that we ensure that the minutes recorded accurately reflect our business. Got a minute? If you do then we're all ahead of the game.

I want to take this opportunity to thank each of you for your support, counsel, and confidence. I look forward to serving you for a second term as your chairman



Phillip Ferguson
Chairman of Trustees
whydonturun@yahoo.com

Candidates Endorsed by the NC Fraternal Order of Police

By Terry Mangum

The candidates the NC FOP has endorsed appear in several articles in this issue of the BlueNote. The delegates at the North Carolina 22nd State Biennial Conference were addressed by numerous candidates seeking our endorsement. The following candidates have been endorsed by the North Carolina Fraternal Order of Police:

United States Senate: Thom Tillis
NC Supreme Court Chief Justice: Mark Martin
NC Supreme Court Justice: Sam J. Ervin IV
NC Supreme Court Justice: Eric Levinson
NC Supreme Court Justice: Mike Robinson
NC Court of Appeals: Bill Southern
NC Court of Appeals: John Tyson

Note: There was no endorsement for the NC Court of Appeals in the race between Mark Davis and Paul Holcombe because both candidates were acceptable to the Endorsement Committee and the delegates.

The North Carolina FOP's judicial endorsements for this upcoming election are without a doubt our most informed endorsements ever. How did this happen? Well we didn't just all of a sudden get really smart or clairvoyant. This happened because of a direct effort to be more informed on the folks we had endorsed in the past and ones we may

endorse in the future. A very special thank you and a job well done must be extended to Piper Ferguson, who researched the law cases of interest to law enforcement which these candidates had been a part of, and Rich Hattendorf who dissected these cases and presented the findings to the Endorsement Committee for consideration. Interestingly enough, two Supreme Court Justices whom we had endorsed in the past did not receive our endorsement this time as a result of this important research.



Photo: Piper Ferguson with her proud father, Phillip Ferguson

Awards...

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Police Officers Memorial Services, and the Lodge 2 Annual Peace Officers Memorial Services. In his quest to recruit new members Brother Evans attends Durham Police Department Recruit graduations and receptions sponsored by Lodge 2 to meet with each recruit class to talk about the importance of the FOP. Brother Evans is very active in the community participating in events such as the annual FOP Cops and Kids and annual Recognition Day for Durham emergency personnel.

Brother Evans' outreach has included forging excellent working relationships with the Chief of the Durham Police Department, City Manager, and City Council representing the membership of Lodge 2.

The 2014 Fraternal Order of Police Mark Tucker Memorial Award was presented to Brother Evans at the 2014 Biennial State Conference in Durham on Saturday August 16, 2014. Brother Evans' wife Kim and son Michael were present for the presentation. Congratulations Mike!

Please keep in mind that nominations for the 2015 Officer of the Year Award will be accepted beginning January 1, 2015 and that aside from our standing awards your awards committee welcomes suggestions for other awards such as lifesaving and recognition of acts of valor.

Your Awards Committee Members are: Jimmy Wingo, Harold C. Enloe Lodge #1, Rick Eades, Iredell County Lodge #10, Greta Philbeck, Cleveland County Lodge #18, Jesse Jernigan, Wayne County Lodge #62, Byron Highland, Pitt-Greenville Lodge #69, Robert "Reo" Griffith, Avery County Lodge #91, and Phil Wiggins, Committee Advisor, Durham County Lodge #2.



Left: Awards Chairman Ferguson presenting the Mark Tucker Memorial Award to Brother Mike Evans, Durham County Lodge 2 President.



Right: Pictured with Brother Mike Evans are his wife Kim Evans and his son Michael

Message from President...

Continued from P. 1

again humbled to have been elected State President. I truly appreciate the opportunity to serve our membership across the State and encourage any member to call me if I can ever be of assistance to you or your lodge. I would also like to congratulate the other members elected to the Executive Board. They are Vice President John Byrd, Treasurer Doris Kirby, Secretary Mike Hawkins, 2nd Vice President Robert Gaddy, Sgt. At Arms Greg Brown, Chaplain Phil Wiggins, Chairman of State Trustees Phillip Ferguson, National Trustee Dennis McCrary, and of course our Immediate Past President Terry Mangum. We have two new members on our Board, Mike Hawkins and Greg Brown, and I look forward to serving with both of them.

A very special thank you goes out to Don Penix for his 22 years of service to the North Carolina State Lodge Executive Board. Don decided not to seek reelection at this year's conference in order to spend more time at home. Don's service to the NCFOP has been tremendous because so much has been accomplished during his time on the Executive Board, including his 8 years as State Lodge President. Don still

serves on our local lodge board as 2nd Vice President and he has promised to continue to serve anywhere he is needed. Thankfully he will continue to be part of our Board of Directors as a Past President.

Please let me know how I can assist you or your lodge over the next two years.



Above: President Hagler presents Secretary Don Penix with a plaque for his years of service to the FOP



Above: Speaker Thom Tillis addresses the Delegates during the State Conference



Above: NC Supreme Court Chief Justice Mark Martin addresses the Delegates during the State Confer-



Above: Randy Hagler and Mark Michalec enjoying the FOP's Durham Bulls outing

YOU CAN MAKE A DIFFERENCE

By Dennis McCrary, NC National Trustee

First, I would like to thank FOP delegates and members who attended the State Conference in Durham, for their vote of support in reelecting me to serve as your FOP National Trustee for another term. I will continue to represent you in a professional manner and be there if you need me to assist you or your lodge. Also, thanks to Durham Lodge 2 for a great conference and fantastic evening activities! The conference resulted in two new members to our State Executive Board, Mike Hawkins and Greg Brown. Congratulations to these new members and I look forward to working with each of them for the next several years.

All members and delegates that attended the conference spent a lot of time listening to candidates for the NC Supreme Court and the NC Court of Appeals. I realize members may get tired listening to these candidates but this is a very important function of your State FOP. Those of us that served on the Political Endorsement Committee spent many hours interviewing some of these candidates, especially those that the FOP did not know very well. The delegates to the conference voted to support some great candidates but we must make these endorsements count. I challenged each member on the conference floor to encourage at least ten persons they know to support the candidates the delegates endorsed. Now it is important that all FOP members also take this challenge and help make a difference in the courts of North Carolina. If each of our approximately 5800 members convinced an additional ten people to vote, this could generate almost 64000 total

votes for our candidates. Most citizens in North Carolina have no idea who the judicial candidates are and either do not vote or may vote based on name recognition. Many turn to officers or retired officers for guidance on who to vote for in judicial races. It is imperative that all officers and their families vote and share this important information with others. I know not all FOP members will complete this challenge but those

that do can affect many more than ten people. Use your email, Facebook, LinkedIn, Twitter, texting and all other social media we have today to share these endorsements. Let your contacts know that we are not telling them who to vote for, but we have evaluated these candidates and they support police officers and citizens that want to be safe in their communities. Make some small cards listing the candidates we endorsed and carry them with you to provide to those you come in contact with. Then do your part and make certain you vote on Election Day.

The National FOP Board of Directors meeting will be held in Omaha, Nebraska on September 12-13. I look forward to representing you at this meeting and will report to you on the updates from your National Board. Please contact me if I can be of any assistance to you or your lodge.



Dennis McCrary
National Trustee
dmccraryfop@aol.com

Legal Aid Committee Information

By Chairman Terry Mangum

I would like to provide you with some information which will make the legal aid application process better for everyone involved, both the applying members and the Committee.

First, I would remind you that our State Counsel Rich Hattendorf should be contacted prior to filing a legal aid application (other than a Critical Incident) so that he can advise the applicant on whether or not they should apply at that time, what they can expect to happen from their agency, what they should realistically hope to be accomplishing, etc. This simple phone call to Rich can save us all time and will probably reduce the number of follow-ups I have to do to obtain additional information.

Next, we are receiving bills from attorneys prior to ever receiving a legal aid agreement and legal aid application, especially for Critical Incidents. When the Lodge authorizes the use of an attorney in Critical Incidents for the member, the Lodge should make sure the member completes the agreement and application. The agreement and application must be signed and sealed by the Lodge Secretary so this Lodge follow-up should be a simple task.

If additional information is requested, it is the applicant's responsibility to provide this information in a timely manner. I continue to have to request additional information and then not receive a response, either by phone or email, without additional attempts on my part to obtain the requested information. Be aware that the legal aid request applications will be closed and not considered due to failing to provide the additional requested information.

Finally, on completing the Legal Aid Application, make certain that the contact information you list on the application is correct, both your email address and your telephone numbers. Believe me, bad information has been listed on the applications several times.

The Legal Aid Committee Report for the State Biennial Conference, which has additional procedural information, is contained within the booklet your State Trustee received. They were asked to **please share this information with their Lodge Officers and members.**

If you have any questions concerning the legal aid process, please do not hesitate to contact me at mar-man@frontier.com or 919-452-7679.

Local Lodge News



September 20th Lodge 8 Law Enforcement Appreciation

By Buddy Russ, Lodge 8 State Trustee

On September 20, 2014, Winston-Salem/Forsyth County Lodge 8, in conjunction with Blue Knights XIX, will be hosting a Law Enforcement Appreciation event. All law enforcement officers in the Winston-Salem, Forsyth County and Stokes County areas, and their families, are invited to join us for a hot dog lunch at no cost to the officers.

This event will take place at the Bolton Street Park on Bolton Street in Winston-Salem.

There is a playground for the kids and the shelter is covered, so rain or shine the event will go forward. This event is to thank all officers for their service and to invite them to become a member of the Fraternal Order of Police or the Blue Knights or both.

Prizes will be given away to some lucky ticket holders at the event. If anyone would like to pur-

chase a chance to win, contact Buddy Russ, Lodge 8 State Trustee, at 336-971-0562. Tickets are \$5.00 each and prizes include a \$700.00 gift card for a Carnival Cruise, a custom built Blue Line fishing rod valued at \$250.00, a Smith & Wesson quality lock blade knife valued at \$50.00 and a \$75.00 gift card from Target Inc.

If any officer is in the area, please feel free to join us. The event will start at 10:00 a.m. and will conclude at 2:00 p.m.

Remember, September 20, 2014, Bolton Street Park, 1590 Bolton Street in Winston-Salem. I hope to see you there. Even if you do not wish to join either organization, please come and have a hot dog and enjoy the fellowship!

22nd State Biennial Conference Review

By Terry Mangum, Lodge 2 State Trustee

Greetings from the Bull City. I hope that everyone who attended our Fall Board meeting and 22nd State Biennial Conference in Durham had a wonderful time. I have heard nothing but positive comments from my attending Brothers and Sisters whom I have spoken with.

Conference Committee Chairman Bobby Gaddy and President Mike Evans, along with the Lodge 2's Executive Board, did an outstanding job of preparing for and then delivering a super Fall Board meeting and State Conference for the State Lodge Board of Directors and State Lodge Delegates. In addition to Bobby and Mike, Lodge 2 Executive Board Members Chuck Davidson, TJ Douglass, Greg McGee and Tom Navarre also deserve special recognition. Phil Wiggins and I help where we could but these other guys deserve the credit. While numerous Lodge 2 members assisted in various ways, a special recognition is extended to Keith Jones, April Browne, Maria Stevenson, Sam Kimball, Keith Whitfield, Derek Ellis, and Dewitt Graham for their service and assistance. Additionally, Robert Young, a former Lodge 2 member and now a member of Lodge 74, was the van driver who transported delegates to various events during the entire Conference. His service was invaluable and greatly appreciated.

The box lunch provided by Lodge 2 on Thursday during the Fall Board meeting was a big hit and very much appreciated. We were able to eat while we conducted business and this enabled us to finish the meeting at a reasonable time in the afternoon. Hopefully other Lodges hosting a Board of Directors meeting will consider doing this in the future.

On Thursday night TJ Douglass' Irish Night at Bull McCabes Irish Pub was a huge success. We had good food and refreshments along with live bagpipe music. Several Trustees and delegates who attended the 2013 National Conference told me that it was much better than the Irish Night event in Cincinnati.

The Bulls game on Friday night was another excellent outing and has become expected when Lodge 2 hosts a State Conference. If my memory serves me correctly, no other State Conference host lodge besides Lodge 2 has ever done this. Again, we had good food, refreshments, fellowship and a long baseball game. The Bulls finally pulled out a win in the 11th inning.

And finally this outstanding State Conference was topped off on Saturday night with a gathering and concert at the Pavilion in Durham Central Park. Again we had great food and the music was provided by a law enforcement band from Raleigh. This was a perfect ending for a perfect week. Frank Gale, our National 2nd Vice President, recognized the outstanding job that Lodge 2 had done with our State Conference. He told me that this was without a doubt one of the best State Conferences he had ever attended.

Lodge 2 and our membership had a great State Conference as well. The State Conference, by official Resolution, was dedicated to the memory of our dearly departed Brother P.T. Williams. Our President Mike Evans received the most prestigious award awarded by the State Lodge, the Mark Tucker Memorial Award. Our Vice President Bobby Gaddy was elected State 2nd Vice President and our Chaplain Phil Wiggins was re-elected State Chaplain for his 10th or 11th term (I've lost count). Also, Durham Police Chief Jose Lopez was presented with a plaque of appreciation from the State Lodge during the Conference opening ceremony. And, as Immediate Past State President, I was honored with the opportunity to install the newly elected officers of the North Carolina State Lodge.

I personally wanted to recognize and thank the Durham County Lodge 2 members who made what I consider to be an outstanding State Conference possible. I am very proud of each one of them.



Newly installed State Lodge Officers, left to right, Sgt. At Arms Greg Brown, Chairman of State Trustees Phillip Ferguson, National Trustee Dennis McCrary, President Randy Hagler, Vice President John Byrd, Chaplain Phil Wiggins, Treasurer Doris Kirby, 2nd Vice President Bobby Gaddy, and Secretary Mike Hawkins.



From left to right, Durham Police Chief Jose Lopez, Becky Lopez, Mary Jane Mangum, and Terry Mangum at the FOP's Durham Bull



From left to right, National 2nd Vice president Frank Gale, President Randy Hagler, and Immediate Past President Terry Mangum at the Durham Central Park gathering

THE U.S. SUPREME COURT 2014 TERM

By Attorneys Manda Thomas and Mike McGuinness
McGuinness Law Firm

The United States Supreme Court just concluded another term with several very important decisions. Some of these decisions were helpful to the broad police cause. However, we still have a long way to go for officers to enjoy full constitutional protection consistent with rights that have been taken away in recent years.

In recent years, the Supreme Court has eroded and removed some of the constitutional rights of police officers in both First and Fourteenth Amendment employment protections. In *Garcetti v. Ceballos*, 547 U.S. 410 (2006), the Supreme Court substantially restricted First Amendment whistleblowing retaliation claims making it much more difficult for officers to prevail. In *Engquist v. Oregon*, 553 U.S. 591 (2008), the Supreme Court eliminated the use of the Equal Protection Clause to prohibit disparate treatment claims in employment cases that do not involve race, gender, religion or disability. These and some other cases have had a substantial negative impact.

This year revealed an improvement in speech protection but that case did not directly address the most common situation for officers, when they testify as a part of their duties. The use of force cases this year brought good news for officers, with reaffirmations of quite good use of force standards. On balance, it was a pretty good year.

First Amendment Employment Law

In *Lane v. Franks*, 134 S. Ct. 2369 (2014), the case involved retaliation against public employees because of their testimony. The unanimous Supreme Court ruled for the employee and found that Lane's testimony that was outside the scope of his job duties and was protected by the First Amendment.

This ruling in the Lane case has been long awaited. Several years ago, FOP Member Edward Kirby of Elizabeth City challenged discipline against him by Chief Trevor Hampton as a result of Kirby's testimony in another officer's grievance hearing. Sgt. Kirby's First Amendment position was supported by Court decisions from other jurisdic-

tions. However, Sgt. Kirby's case encountered trouble at the U.S. Court of Appeals for the Fourth Circuit because of negative precedent by that Court. We strongly believed that Sgt. Kirby's position was correct, that the First Amendment should have protected his testimony. Ten years, later, we now learn that Sgt. Kirby's position was correct. If the Lane case had been the law then, Kirby would have prevailed. Sgt. Kirby fought a good fight. The fight for the First Amendment shall continue. Even when we have differences of opinion, officers should be free to speak their mind – and surely when they are testifying. We appreciate the Supreme Court's decision in Lane.

Election cases also involve First Amendment issues and are very important because elections determine the extent of rights that police officers are provided. In *Citizens United v. FCC*, 130 S. Ct. 876 (2010), the Supreme Court set the stage for *McCutcheon v. FCC*. In *Citizens United*, the Supreme Court substantially changed election law by ruling that corporate America can freely contribute to political electioneering activities.

In *McCutcheon v. FCC*, 134 S. Ct. 1434 (2014), the Supreme Court ruled unconstitutional the aggregate contribution limits created by the McCain-Feingold Campaign Finance Reform Act. The Supreme Court ruled that the First Amendment was violated by financial limitations on political contributions.

Fourth Amendment Cases

One of the biggest concerns of law enforcement officers is the persistence of being sued over the use of force. "Excessive force" is such an easy claim to allege, which then often results in lengthy and expensive litigation. In *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014), the Supreme Court addressed another alleged excessive force case arising from a vehicular chase and reaffirmed the favorable ruling in 2007, in *Scott v. Harris*, 550 U.S. 372 (2007).

In *Plumhoff*, the Court reaffirmed the use of force standards from previous

cases which provide an objective use of force standard recognizing the reasonable perceptions of officers. The Court ruled that there was no Fourth Amendment violation. *Plumhoff* is another helpful legal step in protecting officers in use of force litigation.

In *Wood v. Moss*, 134 S. Ct. 2056 (2014), the Court ruled that Secret Service Agents were immune from suit for activities while protecting President Bush from demonstrators. The claims against the agents were based on disparate treatment when anti-Bush demonstrators were moved farther back than were pro-Bush demonstrators.

In *Riley v. California*, 134 S. Ct. 2073 (2014), the Supreme Court ruled that officers cannot search a person's cell phone as part of a search incident to an arrest without a warrant or exigent circumstances. The Court reaffirmed that it previously held that police officers can conduct a search incident to arrest to protect the safety of the officers and to prevent the destruction of evidence. However, those concerns would not preclude a cell phone search.

The decision recognized the importance of informational privacy, especially with regard to new technology. This decision will limit the ability of police officers to examine the contents of a person's laptop or tablet or phone unless there is a warrant or exigent circumstances.

In *Navarette v. California*, 134 S. Ct. 1683 (2014), the Supreme Court ruled that police officers may stop a vehicle based on an *anonymous* 911 call reporting that the car was driving erratically. The Supreme Court reasoned that the government's interest in stopping people from driving while impaired by alcohol or drugs justifies allowing such stops. Justice Scalia wrote a strong dissent.

Conclusion

Lane and some of the other cases were an improvement for officers by the Supreme Court this year. Many more important cases are on the horizon at the U.S. Supreme Court during the coming term.



North Carolina Fraternal Order of Police
1500 Walnut St.
Cary, North Carolina 27511

August 30, 2014

FRATERNAL ORDER OF POLICE ANNOUNCES ENDORSEMENTS FOR THE NOVEMBER 2014 ELECTIONS

Randy Hagler, President of the North Carolina Fraternal Order of Police, announced the organization's endorsements in the statewide political races at the conclusion of the organizations 2014 Biennial Conference held in Durham, NC

For a candidate to receive the endorsement of the North Carolina Fraternal Order of Police, he or she must receive a majority vote of the delegates attending the State Conference. Unlike many law enforcement organizations in this state, the North Carolina Fraternal Order of Police's endorsements are the decision of its members and not just a small handful of members.

North Carolina Fraternal Order of Police proudly endorses the following candidates:

United State Senate

Thom Tillis

Both candidates for the United States Senate were contacted and invited to address the delegates attending the 22nd Biennial Conference of the North Carolina Fraternal Order of Police. Only Thom Tillis attended and address the delegates and answered questions from the floor at the conclusion of his remarks. Additionally, FOP members that make up our Endorsement Committee sat down with each judicial candidate seeking our endorsement and discussed issues important to law enforcement prior to the endorsement process.

Chief Justice, North Carolina Supreme Court

Chief Justice Mark Martin

North Carolina Associate Justice of the Supreme Court

James Ervin IV

Eric L. Levinson

Michael L. Robinson

North Carolina Court of Appeals

John M. Tyson

William "Bill" Southern

Note: There was no endorsement for the NC Court of Appeals in the race between Mark Davis and Paul Holcombe because both candidates were acceptable to the Endorsement Committee and the delegates.