



Fraternal Order of Police

BlueNote

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January/February 2013

Officer Wind And FOP Prevail Before Supreme Court

*By Randy Hagler
State Lodge President*

The Fraternal Order of Police applauds the action by the N.C. Supreme Court in deciding a case of enormous importance to the North Carolina police community. In *Wind v. City of Gastonia*, the Supreme Court issued a unanimous decision in Officer Wind's favor reaffirming and clarifying the rights of police officers to be able to obtain all portions of their personnel files except the few items that the General Assembly expressly excluded.

With the support and encouragement of the FOP, Officer David Wind of the Gastonia Police Department filed a civil action challenging the denial of his request to obtain copies of his personnel file including two recently closed internal affairs investigations. Officer Wind had been exonerated in both matters and simply wanted to understand the allegations against him and protect his legal interests and safety. Gastonia completely denied Officer Wind the subject internal affairs files.

The FOP strongly believes that Officers need to be able to access and obtain the authorized portions of their own personnel files for numerous rea-

sons. As officers are continuously flooded with false and frivolous complaints, officers need to be able to take appropriate action to be able to obtain and use the information and documents being placed in their personnel files. There is no legal basis to deny an officer authorized documents from their own personnel files.

The case was first heard by Superior Court Judge Forrest Bridges, who ruled in Officer Wind's favor in a pretrial hearing. Gastonia appealed and lost again.

The Court of Appeals' decision was extensive and provoked a dissenting opinion. The dissenting opinion afforded Gastonia the right to have the Supreme Court review the decision. The Chiefs Association, joined by the Sheriffs Association, filed amicus briefs in support of Gastonia.

This case is a very important reaffirmation of the rights of officers. The Supreme Court's unanimous decision sends a powerful and important message: police officers have rights; police officers are entitled to know what they are accused of, who is accusing them, and they are entitled to unredacted copies of their entire files as authorized by the General Assembly.

The FOP is honored to have stood with Officer Wind in the pursuit of justice for him and the police community.

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Lodge News

Chaplain's Corner

In the year 1969 I was sworn in as a Durham Police Officer. I can remember it was my desire and purpose to make a lasting impact in my new career, hopefully to my fellow officers and the community. Everything was new and exciting as I served, but as months and years went by I began to question if I was even making a difference.



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It was also the year that I began to develop and grow in my Christian faith. I began to search and desire a closer walk with God. I also began to understand that if I was going to make a difference it needed to be through my relationship with Jesus. It was through reading the scripture that I came across Matthew 5:13-16: *"You are the salt of the earth. But if the salt loses its saltiness, how can it be made salty again? It is no longer good for anything, except to be thrown out and trampled by men. 14. You are the light of the world. A city on a hill cannot be hidden. 15. Neither do people light a lamp and put it under a bowl. Instead they put it on its stand, and it gives light to everyone in the house. 16. In the same way, let your light shine before men, that they may see your good deeds and praise your Father in heaven."*

The Word of God uses a very common item to describe what our character and motives should be – we are to be like salt and light to those around us. When people notice our joy and contentment hopefully they will desire to have those things themselves. Their hearts begin to thirst for God.

As we have already started out in the New Year 2014, I would like to encourage my brothers and sisters in law enforcement to search out the scripture, and allow the spirit of God to speak to you on how you can impact those around you. It is my prayer that your life may cause others to thirst for God, and therefore make a positive impact in someone's life close to you.

God Bless,
Phil Wiggins
N.C. State FOP Chaplain

Local Lodge News



My FOP Experience

By Bruce Gouge

President Winston-Salem/Forsyth County Lodge 8

In October 2004 I joined the Fraternal Order of Police. I wanted to know if something happened in the line of duty that I would have legal aid coverage. I decided to join the FOP because the benefits and the Fraternalism were very important to me. The cost was never an issue for me! I now realize that joining the FOP was one of the smartest decisions I have ever made in my life. From the beginning, the members of Winston-Salem/Forsyth County Lodge 8 made me feel more than welcome. I feel included in everything Lodge 8 does and I have a true sense of belonging. As a Probation/Parole Officer, coming from Corrections, I felt some people may view me as coming from the other side of the "System." However, we are all Brothers and Sisters of the badge.

Since joining the FOP, I have seen my local lodge touch so many lives here in Forsyth County through our contribution to charities. I have experienced personal hardship, both emotionally and financially. I was forced to retire due to a medical condition. I could not have made it without the support of my fellow FOP Lodge members across the State of North Carolina. These FOP members stepped up when no one else did and I cannot speak their praises enough. This Lodge truly makes a difference in people's lives.



Photo: Bruce standing beside of FOP 1.

Since joining Lodge 8 in 2004 I have served as the 2nd Vice President and I am currently the President. The Lodge has paid for me to go to Washington, DC for our national legislative event called "Day on the Hill." It is a wonderful experience to meet so many people from all across the United States whom you have something in common with! Also, while in Washington, I was able to meet and become friends with National President Chuck Canterbury and National Secretary Patrick Yoes.

Not only is it worth joining the FOP for the camaraderie, but more importantly, there is the peace of mind in knowing that someone is there for you that truly cares. Your life will truly be enriched from the FOP experience.

FOP, Cops and Kids 2013

By Greg Brown

State Trustee Rocky Mount Lodge 46

Rocky Mount Lodge No.46, Fraternal Order of Police, held its annual FOP, Cops and Kids event on December 14th, 2013 at the K-Mart in Rocky Mount. This year's event was orchestrated and spearheaded by our Lodge Auxiliary. The Lodge Auxiliary was able to take on this endeavor and make it a great success for the children. We would like to thank them for their efforts.

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Catawba County Lodge 26's Christmas Sharing

By President Carl Pope

Catawba County Lodge 26 began the Holiday Season with our annual Christmas Party on December 14th at our Lodge.

On December 20th Catawba County Lodge 26 members gave out 100 food boxes to needy families in Catawba County for Christmas. Many Lodge 26 members were on hand to assist with this service. Members of Lodge 26 have been giving out Christmas food boxes

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FOP, Cops and Kids 2013...

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We were able to help 47 children have a Christmas, which they may otherwise not have had. We also had a tremendous turn out of Officers to help each child shop this year. We were able to provide each child with \$250.00 which included necessities, such as clothes, coats, shoes, bedroom linens, and toys that the family may not have been able to provide.

Lodge 46 and our local law enforcement believe that this event breaks down the barrier between law enforcement and the community. It shows the community the more personal side of a law enforcement officer and it demonstrates that we are human as well. It is very humbling to see the smiles on the children faces when they are paired up with the officers to begin their shopping. It warms the heart!

The children were chosen from the areas of Rocky Mount, Nash County, Edgecombe County and Wilson County. The children who were selected for our program were truly deserving. Their parent or parents are trying their very best to make ends meet but have had some sort of setback in life.

The K-Mart of Rocky Mount was ready and willing to support our program and we would like to thank them for allowing us to use their store. We would also like to thank the following Agencies that came out and helped our children shop this year: Rocky Mount Police Department, Nash County Sheriff's Office, Edgecombe County Sheriff's Office, NC Probation and Parole, North Carolina State Highway Patrol, North Carolina State Public Safety, Immigration and Custom Enforcement, NC Blue Knights Chapter XXI, Rocky Mount Lodge #46 Auxiliary and our extended Law Enforcement family members.



Lodge 26 Christmas Sharing...

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for the past 28 years.

Also on December 20th, Santa and Mrs. Claus, who definitely have the members of Lodge 26 on the Nice List, came to Catawba County and visited the local hospitals to give out toys and candy to the children who were in the hospitals during Christmas.

Then on December 22nd Santa and Mrs. Claus visited the patients in Hospice and delivered gifts to them and their families.



Message From The President

By Randy Hagler
State President

Welcome to our first issue of the Blue-Note for 2014! I know many of our members are still working and may have had less time off than they desired during the holidays but hopefully you were able to spend some good quality time with family and friends and celebrate the meaning of the season.

This issue is packed full of articles written by various FOP members from across the State. Some of these articles will talk about the successes we have experienced in the area of legal aid. These cases are so important to all of us. Our attorneys and members worked extremely hard to prepare and argue cases all the way from the local courts to the highest court in the State. When we prevail, we are all winners! I am looking forward to this issue where we will see these cases discussed in more detail.

During this coming new year we will see many elections across the State which have the potential to

cause a disruption in our daily lives. If you work in an environment that discourages your participation in the election process, please use caution and do not get caught up in the politics that can ruin an officer's career. In many areas of the State our local lodges work hard as an organization to research the individuals running for various offices who have the potential to affect their lives. These lodges conduct endorsement interviews and then make their recommendations known



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to the community. Some politicians view a police endorsement as extremely important and will work hard to gain it. We need to make sure the endorsement is not given lightly and we need to monitor these individuals to make sure they do what they told us they would. The State Lodge is available to assist with these types of processes but we cannot make an endorsement in a local election – that remains the jurisdiction of the local lodge. Many of you have attended State Board of Directors meetings and State Conferences in the past and seen this process at work. I encourage you to use caution if you have not done an

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President's Message...

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endorsement before. But when done correctly endorsements can be very rewarding for your members and your lodge.

NCFOP Spring Board of Directors Meeting

The 2014 Spring Board of Directors Meeting will be held on March 14-16. This meeting is being hosted by Wake County Lodge 41 at the Double Tree by Hilton Raleigh-Durham Airport Research Triangle Park. Lodge 41 has negotiated a great rate of \$89.00 per night which includes breakfast for two. The deadline for hotel registration is February 28. All Board Members are reminded that your reports are due in the State Office by Wednesday, February 26th at the close of business. Our NCFOP Board of Directors Meetings are open to all FOP members and we hope that you will consider attending.

Stay Safe.

Officer of the Year Award

*By Phillip Ferguson
Awards Committee Chairman*

The North Carolina Fraternal Order of Police 2014 Officer of the Year Award nominations deadline is Monday March 3, 2014. The award will be presented at the 2014 Spring Board Meeting in Durham on March 15, 2014. Nominations for this award open January 1, 2014. I urge each of you to encourage your membership in the suggestion of nominations of our worthy Brothers and Sisters.

The Officer of the Year Award recognizes our Brothers and Sisters for their outstanding performance in and contributions to our profession. I will begin sending nomination notices in January along with the award criteria. I look forward to many nominations to consider for this award. As always please contact me should you need advice on any nomination process.

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.

Trooper Wetherington Prevails Before the N.C. Court of Appeals

*By Terry Mangum
Legal Aid Chairman*

The North Carolina Court of Appeals recently issued an important decision in the case of Trooper Thomas Wetherington v. North Carolina Highway Patrol.

While Trooper Thomas Wetherington was not a FOP member, the State Lodge felt that the issues in question were important for our members and all law enforcement officers across the State of North Carolina. Therefore, Trooper Wetherington was supported by the FOP through the filing of an amicus curiae brief before the Court. We are proud to have been a part of this important case which has now set an extremely favorable precedent for all officers.

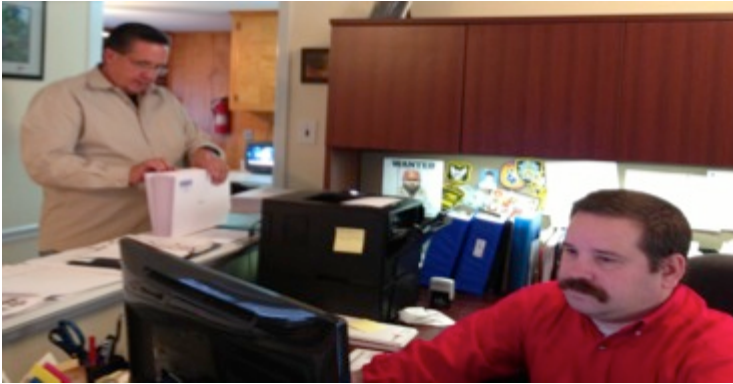
This case decided important questions of law for all law enforcement officers. Trooper Wetherington made a traffic stop that involved dangerous circumstances. Trooper Wetherington discovered loaded handguns in the vehicle with one being on the console. There was apparent alcohol use and two individuals in the vehicle. Another vehicle suspiciously stopped slightly ahead of the stopped vehicle. The weather conditions at the time of the stop included substantial gusts of wind. During the traffic stop, Trooper Wetherington's issued hat was blown into and down the highway and was apparently caught up in contact with a truck. Following the stop, he attempted to find his hat but could not locate it.

Trooper Wetherington reported to his sergeant that he had lost the hat and believed that the hat had blown off of his head. It was later discovered that the hat had been found by someone else and it ultimately was sent back to the Highway Patrol. An investigation ensued about the condition of the hat and how it was lost. Trooper Wetherington subsequently recalled, through mental reconstruction of the course of events, that he had placed his hat on the lightbar of his vehicle and that it was lost from that location as opposed to his head. At the time of the traffic stop, while Trooper Wetherington was dealing with exi

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Trivia!

Since the last TRIVIA proved to be too difficult for most of our BlueNote readers, we have decided to offer an easier submission for this issue.



Can you identify the people in this photograph?

If you can, send an e-mail to marman@frontier.com with your answer. The answer will be posted in the next issue of the BlueNote along with the names of the individuals with the correct answer.

The answer to "TRIVIA!" from the November/December 2013 issue:



From left to right, Gilbert Gallegos, Dewey Stokes, and Dick Boyd.

These gentlemen are three of the four living Past Presidents of the Grand Lodge, Fraternal Order of Police. Gil served from 1995-2001, Dewey served from 1987-1995, and Dick served from 1983-1987. Not pictured is John Dineen who served from 1979-1981. These four Past Presidents serve on the National FOP Board of Directors.

The winner of the TRIVIA question was State President Randy Hagler who correctly identified the individuals in the photograph. Brother Bill Davis of Rocky Mount Lodge 46 came in second, correctly identifying two of the three.

A Note from Editor In Chief

By Terry Mangum

I hope everyone had the opportunity to share a wonderful and joyous Christmas with family and friends and I wish you all a grand and prosperous New Year.

The article deadline dates for the next three issues are:

March/April issue: February 21, 2014

May/June issue: April 25, 2014

July/August issue: June 20, 2014

Please e-mail your articles and photos to my e-mail address marman@frontier.com. Also, please send me your comments and any suggestions for improvement relating to your BlueNote publication. Your feedback is important.

Now is the time to begin preparing for the March/April issue. We need articles of Lodge activities and photographs of Lodge events. On photographs, please name the individuals in the photograph so our readers will know who they are viewing.

I wish to thank all of you who have contributed articles and Lodge activities during 2013. Your participation helped to make the BlueNote a timely and useful publication.

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

Trooper Wetherington...

Continued from P. 6

gent and dangerous circumstances, he was not focused upon his hat but rather performing his law enforcement duties.

Trooper Wetherington did not believe that the location of his hat when it was lost was materially significant. He immediately reported the lost hat. However, the Highway Patrol contended that despite Trooper Wetherington's confusion over the location of his hat, this was an act of untruthfulness and Trooper Wetherington was terminated.

The Colonel of the Highway Patrol at the time, Randy Glover, testified that he "had no choice" but to terminate Wetherington because of the truthfulness issue. The evidence before the Court demonstrated that the Patrol arbitrarily made its termination decision without considering the totality of the facts and circumstances including Wetherington's understandable confusion over the location of the hat. The discrepancy involved in the statements regarding the hat was not material or significant for purposes of determining whether or not there had been a willful violation of the truthfulness policy.

The Patrol attempted to defend with an argument that the untruthfulness would necessitate a disclosure of that in cases whereby Wetherington may serve as a witness. This "*Brady*" argument has been used across the country against officers in truthfulness cases. Prior to this case, there had not been a clear decision by an appellate court addressing these issues. The Court rejected the argument that a *Brady* disclosure issue would be grounds for termination.

The Court of Appeals issued a unanimous decision affirming the decision by Superior Court Judge Howard Manning, who concluded that there was no just cause for the termination of Wetherington and the Patrol's termination decision was arbitrary. The Court of Appeals explained that the Patrol's *Brady* contentions were not adequate to justify termination.

This case sets a substantial precedent for all law enforcement officers that will help avoid inappropriate discipline because of issues of insignificant and immaterial confusion or untruthfulness. Like virtually everyone else, officers from time to time issue statements with some discrepancy. Those discrepancies can arise from a number of different conditions and circumstances such as confusion, misperception, having incomplete facts at the time when a statement is necessary, and for other reasons.



Terry Mangum
Immediate Past
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Bad Pennies

By Phillip Ferguson
Chairman of Trustees

We've all seen it, from a distance if we were fortunate, on a level all too close when we've found ourselves in an agency where a commanding officer has been chosen not too wisely nor too well. This can occur on any level, from within as people 'fail upward', and from outside when our communities seek 'new blood'. Today I write about police chiefs because we have the ability to make things very bad very quickly, damaging both the communities we serve and the people we lead.

Regardless of what executive level law enforcement position you hold, your duty is to build and care for your community by carrying out the community vision in order to improve the quality of life. The very best way to accomplish this is to surround yourself with great people and spend your time taking care of them, providing clear vision and the autonomy to transition

that vision into reality. But for a number of years we've seen a troubling trend; chiefs of police who somehow smooth talk their way from one city to another despite well documented failures, incompetence, and various levels of corruption.

While there is nothing wrong with bringing in new blood from outside, this trend is damaging to our profession, our communities, and to us as individuals. We have seen executives appointed in communities of every size and demographic who display nothing short of sociopathic behavior fraught with egocentricity who very quickly convince themselves that anything they do is right. They smooth talk at whatever level will get them in the door using the latest buzzwords and the newest shiny, but often hollow, law enforcement initiatives, convincing gullible city managers and officials that they are their personal messiahs.

Worse yet when it comes to background investigations at the executive level they often do not rise

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U.S. PARK POLICE CHIEF TERESA CHAMBERS ANNOUNCES RETIREMENT

First Female Park Police Chief Marks 12 Years at Helm & 35 Years as Police Officer

Washington, DC — U.S. Park Police Chief Teresa Chambers today announced her retirement to be effective on the date of her 35th anniversary as a sworn police officer. The first female leader of the oldest uniformed federal constabulary, Chief Chambers ends an accomplished and precedent-setting law enforcement career.



“It is time for me to accept new challenges,” said Chief Chambers, one of the longest tenured U.S. Park Police Chiefs in memory, who fought a long legal battle that started on December 5, 2003, to win restoration to her position. “It was important that I leave on my terms and at a time of my choosing.”

Thirty-five years ago, on December 5, 1978, Chief Chambers was sworn in as a Prince George’s County (Maryland) police officer after serving more than two years as a police cadet. She served with the Prince George’s County Police Department for more than twenty years and rose to the rank of major. She then became chief of the Durham Police Department (North Carolina). A graduate of the FBI National Academy and the FBI’s prestigious National Executive Institute, she also earned a Master’s Degree in applied behavioral science from Johns Hopkins University.

In February 2002, following a national search, she was named Chief of the U.S. Park Police, one of the nation’s most complex and high-profile law enforcement jobs. The approximately 600-officer force is responsible for providing the full array of law enforcement services and for safeguarding monuments and other assets in the Washington, D.C., San Francisco, and New York City areas. Among its duties, the U.S. Park Police also provides protection for the President and visiting dignitaries. In addition to a SWAT team, it has a marine and aviation unit, a criminal investigations branch, as well as prominent horse-mounted, K-9, and motorcycle units.

• Under Chief Chambers’ leadership, the U.S. Park Police handled an array of unique challenges and events, such as –

- The line-of-duty deaths of Officer Hakim Farthing and Sergeant Michael Boehm;
- The dedication of the Martin Luther King Memorial;
- The several-month-long Occupy DC demonstrations in the fall of 2011 through early 2012;
- The 2013 Presidential Inauguration;
- The San Francisco 2013 America’s Cup races;
- The reopening of the Statue of Liberty and related screening sites following severe damage from Super Storm Sandy;
- The 50th Anniversary of the March on Washington;
- The Navy Yard shootings earlier this year; and
- Numerous monument openings, state funerals, memorials and other high-security events.

One of the proudest moments of Chief Chambers’ career occurred earlier this year when she was invited by the Military District of Washington to lay a wreath at the Tomb of the Unknown Soldier, a privilege usually afforded only to those in the military and visiting foreign dignitaries.

Chief Chambers’ tenure was interrupted on December 5, 2003, when, just days after giving an interview with the Washington Post confirming information they already had regarding low staffing levels, her supervisors ordered her stripped of her badge, gun, and police authority. This triggered a protracted legal battle ultimately proving that all actions taken against Chief Chambers were groundless or illegal, culminating in an order restoring her as Chief of the U.S. Park Police. Her fight also earned her the nickname of “The Honest Chief.”

“December 5th had always been an important and happy anniversary during the first 25 years of my

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Chambers...

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career,” Chief Chambers added. “That changed in 2003; but this year, when I proudly step away from my police career and into retirement, December 5th will once again be a day of positive reflection and joy.”

Another result of her more than seven-year legal battle to win restoration was stronger legal protec-

tions for whistleblowers. “The stand Chief Chambers took has helped others sound the alarm to better protect the public,” stated Public Employees for Environmental Responsibility (PEER) Senior Counsel Paula Dinerstein who led the Chambers legal team. “Teresa Chambers’ example has inspired countless others to risk honesty in the public interest.”

Bad Pennies...

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to the level of due diligence required for entry level positions. Interviews with the rank and file of the agencies these people are coming from either don’t occur at all or any naysayers are dismissed as malcontents. I reviewed the personnel record of one of these chiefs after he was invited to leave a municipality. The nuts and bolts of that investigation were properly conducted; however, a chief from a second agency completed the employment reference portion of the background. There was literally one reference contact from the applicant’s previous agency in the file that was from a ranking officer and it was a glowing paragraph of no substance. I later spoke with a member of that agency who not only made it clear that the person in question was a narcissistic bully, but that the person’s resume was highly inflated.

And why even after the damage is done do these chiefs continue to receive kudos from communities they have hurt? There are several reasons; many city officials are simply happy to be rid of these leaches and don’t want to admit they made a mistake, other times these people have entered into non-disclosure agreements with city officials that prohibit them from divulging negative information. These poison people usually put up a good front for a few years while reaping all the benefits they can. Then just before their welcome is worn thin with the community, and often just as the department is in a quagmire of litigation brought on by the chief’s egomaniacal behavior, the bad chief begins a job search and convinces some other gullible city that they are the answer to all their ills. In their wake these chiefs leave demoralized and sometimes dysfunctional departments.

How should you deal with these miscreants if you find yourself in their wake? Carefully, very carefully. Sociopaths have a profile that includes a number of not very endearing qualities and having one as your boss will likely make hell look like an ice cream social. Look out for yourself and your brothers and sisters the best you can, but don’t fall on any swords that you can

ethically avoid. Know your business and keep your cool. Being a very good cop solves a number of issues and frankly makes you happier and healthier regardless of your overall agency environment. Sociopaths will both be angry and make you angry, keeping your calm with firm resolve is a good defense. You can vent later, but be very careful about who you vent to; adversity makes for strange bedfellows and you don’t want to be thrown under that bus by someone who is currently head and shoulders deep in the boss’s lower bowels. Social media, email, or any internet based venue is never a good place to vent! Keep that rock in your pocket! Before taking any action against the socio-chief have a conversation with counsel; I suspect that Rich Hattendorf would much rather give you advice regarding your rock prior to its having been hurled.

How can we avoid having these people worm their way into our agencies and communities? First of all read; often there are news items from areas where these people have wreaked havoc in the past. If all you can find are glowing accounts and ‘look what I did’ selfies then you better dig a bit more; remember, if it’s too good to be true it probably isn’t. As with nearly all FOP concerns and priorities, building relationships and making our voices heard can make a difference, both in preventing the appointment of less than desirable leaders and shortening the tenures of those already in place. But take a proactive approach to relationship building before a crisis. A solid liaison with the media will facilitate public scrutiny of that stellar short list of chief candidates, especially when your friend at the Daily News looks into those articles he was provided revealing the destruction that Chief Bad Penny left behind in Nonesuch, NY. Strong relationships with our communities lends credibility to our opinions regarding candidates for these positions.

All that being written remember, if everyone seems like a sociopath to you then you’ll likely find the real one in your mirror.