You protect the public ....
We protect you!

“Legal Defense for NTC Troopers”

24/7 Critical Incident Service
Duty-related Civil
Duty-related Criminal
Duty-related Administrative
Non-Duty related Administrative (Supplemental)

- $5,000 of AD & D (Accidental Death & Dismemberment) included
- $5,000 of Criminal HR-218 Legal Defense coverage included
- $10,000 of Civil HR-218 Legal Defense coverage included

Inquire Today
800-367-4321
www.plea.net

Professional Law Enforcement Association
Legal Defense and Benefits
For all Law Enforcement
"Everyone attending the National Troopers Coalition Picnic at Mechanicsburg, Pennsylvania on Thursday September the 19th benefitting Troopers Helping Troopers will receive a collectible stein with my compliments so we hope to see you all then and there"...National Charitable Foundation Trustee Edward Walson
LINCOLN COLLEGE OF NEW ENGLAND and the National Troopers Coalition — An Education Partnership to service you and your families.

LINCOLN COLLEGE OF NEW ENGLAND OFFERS:

100% Online Programs:
- Associate’s Degree in Criminal Justice & Health Information Technology

Campus Based Programs:
- Tuition benefits extend to spouses and dependents. Families have access to over 20 programs of study

Blended Learning:
- Programs meet once per week on campus, with the remaining coursework completed online in between sessions

Value For You and Your Family:
- $390 per credit includes cost for books
- Registration fee waived

CONTACT US TODAY! 855.886.6695 LINCOLNCOLLEGENE.EDU/STATETROOPERS

■ SOUTHTINGTON
  2279 MOUNT VERNON ROAD, SOUTHTINGTON, CT 06489

■ HARTFORD
  85 SIGOURNEY STREET HARTFORD, CT 06105

For student consumer information visit: www.lincolncollegeNE.edu/consumerinfo. Programs vary by campus. Lincoln College of New England is accredited by the New England Association of Schools and Colleges, Inc. through its Commission on Institutions of Higher Education. Programs and degrees vary by campus. LCNE/111590712-3755
FEATURES

New Interoperable Radio System Connects Maryland’s First Responders ........................................... 13
North East Regional Troopers Coalition Meeting, Shawnee, PA ......................................................... 17
2012 Trooper/Highway Patrol Officer - LODD .............................................................................. 83

STATES

Alabama ......................................................................... 21
Connecticut .................................................................. 23
Delaware ..................................................................... 28
Indiana ........................................................................... 32
Kansas ......................................................................... 38
Louisiana ....................................................................... 41
Maryland ....................................................................... 49
Montana ......................................................................... 51
New Hampshire ................................................................ 54
New Jersey ..................................................................... 55
New York ....................................................................... 63
North Carolina ................................................................ 65
Pennsylvania .................................................................. 71
Texas ............................................................................. 74
Washington ..................................................................... 77
Wisconsin ....................................................................... 82

BOARD OF DIRECTORS

Editor's Message ......................................................... 4  Chaplain .............................................................. 10
NTC Chairman ......................................................... 4  Corresponding Secretary ................................. 11
Legal Counsel ............................................................ 5  Lobbyist ............................................................ 12
NTC 1st Vice Chairman ............................................. 7
Executive Director ..................................................... 9
Editor’s Message

James Woznicki
Editor in Chief, National Trooper Magazine

I would like to take this opportunity to welcome each of you to the spring issue of the *National Trooper* magazine. This issue is dedicated in memory to all who have served. I hope you find this magazine gratifying with the several different articles submitted and printed. Not all articles can be printed due to space concerns.

This publication is financed solely by the monies received from advertisements listed in the business section. Take a moment and browse throughout this section of the magazine and take notice of the many with whom we come in contact. Please take the time to thank them for their contribution. Without them this magazine would not happen.

A special Thank You to NTC Executive Director Dennis Hallion for his assistance and Ilma Hills, NYS Troopers PBA for editing and providing the colorful magazine cover.

Publisher Instructions for Submitting Articles

1) Article is best if written in word format.
2) Photographs are to be sent separately as JPEG not embedded in the word document with photo captions if needed.
3) The word document and photos should be placed in one folder and forwarded to the editor. (Contact the NTC Office for instructions.)

Several folks have spent time on the hill in Washington working on the Transportation Bill which included a push by Bigger Truck proponents to raise the size and weight on our Nation’s highway system. The National Troopers Coalition has been opposed to this for many years and has consistently pushed back against the Big Truck lobby due to the safety concerns for our motoring public.

The bridges and roads are not up to a level of taking on loads in excess of 100,000 pounds. The vehicles are not prepared with the braking and safety necessary to control these weights.

With the passage of the reauthorization bill this year, the big truck issue was put into a study without encroaching on the current weights in place.

The following was a letter I received from the Coalition Against Bigger Trucks; a group made up of working folks, Troopers, ER Nurses & Physicians, law enforcement and fire personnel and a host of others joined in the effort to keep our roads safe from big, heavy trucks.

Dear Mat:
Your hard worked has paid off! And from everyone at CABT, thank you again for all you have done to stop bigger trucks.

Mathew J. Hodapp
NTC Chairman

A Grassroots Effort By Many Within the Ranks of the National Troopers Coalition Has Again Met Success!
NATIONAL TROOPER

After nine extensions to the previous transportation authorization bill, The Senate and House on Friday passed a 27 month reauthorization of transportation funding. The last step is for the President to sign it, which is expected soon.

While there are many provisions in the bill, we want to give you an update on truck size and weight. The final version of the bill includes a two-year study on the effects of bigger trucks. Though this is not the three-year study language that we preferred, it is a positive step at looking at issues surrounding safety and infrastructure problems with longer and heavier trucks.

With the length of the study, we do not see a vote on bigger trucks for a while. However, we do know that the other side has not backed off and that they will work even harder next year when a new Congress is sworn in to convince members to support bigger trucks. But as always, they will not outwork us. As we move forward, we will keep you informed.

Without your involvement and the involvement of our supporters throughout the country, we would not have been successful. The inclusion of the study language shows just how effective and crucial you are to our success.

Again, from all of us at CABT, thank you. Please let us know if we can be of any help.

The bridges and roads are not up to a level of taking on loads in excess of 100,000 pounds.

Thank you to all who have stepped up to keep our highways safe.

State-Managed Private Pension Plans: Joining the “Haves” With the “Have Nots”

Atty. Richard E. Mulvaney, (NY)
NTC Legal Counsel

As the country awakens from what seemed to be a very long nightmare arising out of this round of state and federal elections, it is time to analyze the state of affairs like you would looking into the bathroom mirror after a three-day binge at Mardi Gras. The fact of the matter is the hangover will subside, but that mug you see in the mirror hasn’t changed a whole lot.

We have ended up exactly where we started. Dysfunction rules the day and unions are once again blamed for screwing up the process.

Early analysis shows that key swing states of Pennsylvania, Ohio and Wisconsin broke clearly for President Obama as the result of heavy union support not only in terms of money but also, boots on the ground. Apparently, the Republicans didn’t learn from the debacle created by their two poster boys – Ohio Gov. John Kasich and Wisconsin Gov. Scott Walker – that the great anti-union agenda wasn’t a platform to carry on a national scale.

Note to my Republican comrades; exit polling data indicated that 65 percent of all union households voted Democrat this election cycle. That transcends the historical notion that cops and firefighters were a lock in the “R” column. You see, nothing motivates people to action more than the misguided notion that it is a great idea to vote against their own economic self-interest. Please, lose the anti-union agenda or those Republican gubernatorial wins this cycle will be another lost opportunity to show all Americans that you care and won’t disenfranchise even more of the country.

Speaking of agendas, I recently attended the New York State Public Employment Conference where public employee unions from all over the state gather to set legislative goals...
for the upcoming year. The conference offers a unique forum for all interested public employee unions to meet and establish a unified voice in advancing our members’ interests in Albany.

Curiously, the conference hosted Hank Kim, Executive Director and Counsel of the National Conference on Public Employee Retirement Systems (“NCPERS”). Historically, Mr. Kim has been a stalwart in leading the charge to protect public employee Defined Benefit Plans throughout the country. His insightful knowledge and expertise in the field of public employee retirement systems is second to none and as you may have seen him on various news programs, he is fearless in defending our rights to defined benefit pension plans. But that wasn’t the reason for his appearance.

Recently, NCPERS as well as other pension specialists have attempted to shift the conversation away from eliminating defined benefits for public employees to that of a more empirical analysis and advocacy for a pension vehicle that will offer defined benefits for private sector workers. Now before you shut down on me thinking you’d rather watch T.J. Hooker reruns, follow along a little bit and I will get you back to where it may be beneficial to you.

As most of you are aware, the public discourse that has been driven by unscrupulous politicians, well paid so-called public advocates and their news proxies, have made the elimination of public employee defined benefit pension plans their cause celebre in order to deflect from the true problems in our government. Their assault on a fully funded, top-rated pension system has gotten some traction as evidenced in the two most recent pension tiers passed by the last two gubernatorial administrations that have done nothing more than place lipstick on their political donkeys. Oh sure, the last disgraced governor touted the proposed multibillion dollar cost savings with the passage of Tier V. But that wasn’t enough for the current elected gubernatorial guru to blow his political sails so another pension tier was born with the same hysterical claims that this governor has saved the State of New York from fiscal holocaust.

Without going further to illustrate how neither pension tier will affect the overall financial condition of this state until long after their portraits are relegated to the upgraded multi-million dollar hallway in the state capitol, perhaps we as a society should re-evaluate our retirement systems to see what works and what doesn’t. To be sure, the general consensus is that the 401(K) style, defined contribution plans do not work as a viable retirement vehicle. There are numerous reports from both government and private sources that have debunked the myth that individuals can properly fund their retirement with just 401(K) and social security benefits. Hence, the fact that public employees have retained their defined benefit retirement is a testament to the institutional longevity and prowess of their unions. Everybody wants it. But how do they get it? Enter Hank Kim.

A recent plan put forward by Mr. Kim and NCPERS suggests that private employers can join a public-private partnership that provides retirement security for American workers, particularly those who work for small businesses, who don’t have currently a defined benefit pension. The concept is that each state (or possibly a group of states) would enact legislation to establish what Kim calls a “Secure Choice Pension” (“SCP”). Participation in the SCP is voluntary. Contributions are ideally borne by both employer and employee with oversight and administrative operations undertaken by the state comptroller.

The beauty in the concept is the employee retains a national account that transfers with him in whatever private sector job he obtains throughout his lifetime. Just think about the benefit that would accrue to say, a 16-year-old high school student employed in a minimum wage job starting his retirement account credits that follow all the way through his employment lifetime. The accruals will place private sector employees in the same position of reaching a decent level of retirement sufficiency as that of their public sector counterparts. But how does it help the public side of the house?

Well, considering that current estimates peg private sector retirement money at close to $7 trillion dollars, I could bet a sawbuck that if the state comptroller bought into the concept the billions of dollars added to his fiduciary account would allow him to leverage even lower administrative costs of private pensions, thus saving tens of millions of dollars. This cost savings, in turn, reduces government-employer obligations. Seems like a win-win situation, but the devil is in the details and the concept doesn’t come without its detractors.

Several “experts” who make gobs of money from private pension consulting are flashing their fangs saying that the concept is nothing more than a scheme that ultimately places the burden on the taxpayer to support the plan in times of reduced or flat returns in down market times. Others decree that the whole idea is a non-starter given the full force of the insurance and investment company lobbyists that would flood Albany to ensure the idea’s demise. I, for one, deem those prognostications as a passing litmus test that Mr. Kim may be onto something.

California Gov. Jerry Brown recently signed a law that permits as many as 6.3 million private workers without a pension plan to set aside retirement money for management by the state.

Continued
In fact, California Gov. Jerry Brown recently signed a law that permits as many as 6.3 million private workers without a pension plan to set aside retirement money for management by the state.

Although slightly different than Kim’s plan, it is the first state-run pension program for non-government employees and may add as much as $6.6 billion dollars to funds managed by the California Public Employees’ Retirement System (“CALPERS”), which already boasts the largest U.S. pension with $242 billion. The law requires companies to contribute 3 percent of an employee’s salary to the retirement account. Employees are automatically enrolled unless they choose to opt out. Further, the plan calls for a minimum return on investment to be extremely conservative via private insurance and reserves, thus eliminating the specter of a public bailout in times of negative market returns.

Although California took the bull by the horns, they are not the only state to do so. Currently, 11 states have expressed interest in advancing public-private pension plans, including Massachusetts and Connecticut. Closer to home, New York Sen. Diane Savino’s emissary reported to the NYSPEC Conference that she’s been tasked to commence preliminary investigation into advancing such a plan in New York.

So has the time come for public-private pension plans to enter the fray in our state? Well, given this governor’s very public pronouncement about his public-private investment plans utilizing state pension monies, it appears that the stars are aligning to expand the horizon to afford the private workforce a third leg of the stool to which to retire.

More importantly, it changes the paradigm of thought that state employees are the “haves” and private employees the “have-nots.” Rather, the conversation needs to shift to why shouldn’t private employees have the same opportunity to share investment resources in order to secure a fair pension system?

Stories of this detail are chronicled throughout this publication in both words and pictures.

While there were numerous tales of heroism, there were also glaring shortfalls in the overall preparedness and response of all parties involved, ranging from power companies to fuel distribution entities. As such, almost immediately Gov. Andrew Cuomo ordered the formation of three commissions – NYS 2100, NYS Respond, and NYS Ready – consisting of 80 persons from various occupations and expertise, charged with making “recommendations for New York State to improve its preparedness and response capabilities as well as to strengthen the state’s infrastructure for the future.”

I was honored to be appointed by the Governor to the NYS Respond Commission, which was tasked with finding ways to ensure critical systems and services are prepared for future natural disasters and other emergencies.

My recommendations as submitted to Elizabeth Glazer, Deputy Secretary for Public Safety, outlined some areas that I believe should be addressed based on my observations when I toured the devastated areas of both Nassau and Suffolk counties three different times, as well as the feedback from our Troopers on the ground. These were:

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.

Stories of this detail are chronicled throughout this publication in both words and pictures.

When Hurricane Sandy hit the shores of New York in October, little did anyone know that the so-called Superstorm would turn out to be one of the costliest and most damaging storms ever to hit New York state, if not the country. Widespread power outages caused by extremely high winds left numerous areas in the dark from Long Island to far upstate.

Our Troopers from around the state performed admirably in the wake of a disaster, often facing adverse conditions. Detailed to Nassau and Suffolk counties, members immediately provided supplemental patrols to their counterparts assigned to Troop L as well as the two respective county police departments. Troopers were initially teamed with the National Guard and tasked with patrolling to prevent looting in the hardest hit areas.
**NATIONAL TROOPER**

*continued*

**SP Manpower:** The New York State Police can usually be counted on as the first responding state agency to any disaster throughout the state. The Governor already has the ability to deploy large amounts of manpower within hours of a disaster through the State Police. This deployment ensures a uniform response by identically credentialed and trained personnel under one command structure.

The ranks of the State Police have been thinned due to attrition and the lack of hiring any new Troopers for over three years until recently. Historically, the Superintendent of State Police has been able to deploy at least 500 Troopers to natural disasters or terrorist attacks but because of the present manpower levels, was only able to send 350 to Long Island in the aftermath of Hurricane Sandy. Luckily, Nassau and Suffolk counties have two of the largest police departments in the country so this glaring deficiency wasn’t readily apparent.

If a disaster were to occur somewhere upstate this manpower deficiency would be more noticeable as there aren’t the vast numbers of local police officers and deputies to draw from. This recommendation was echoed by both Jerome M. Hauer, Commissioner of the NYS Division of Homeland Security and Emergency Services and Bart Johnson, retired Field Commander and current Executive Director of the International Association of Chiefs of Police.

**Recommendation:** Ensure the manpower levels of the Division of State Police are kept at adequate levels, as determined by the Superintendent, to sufficiently respond to any disaster throughout the state.

**Communication:** The storm knocked out communication systems (radio and cellular), rendering first responders almost “blind” for the first couple of days.

**Recommendation:** Implement a radio system with adequate backup features that enables multiple agencies to communicate.

**Emergency Power:** Power outages affected command post locations and there was an inability for first responders to acquire an alternate source of power, such as generators, through state agencies because of bureaucratic “red tape.”

**Recommendation:** All requests for items such as portable generators should be streamlined through FEMA or equivalent state agencies so first responders have access to them almost immediately and without delay.

**Transportation:** Patrol vehicles, due to a low clearance, were sadly inadequate to operate in flood-ravaged locations.

**Recommendation:** The state must have access to a number of high-axle vehicles ready to be deployed to first responders throughout the state.

**Food and Housing:** When deploying large amounts of people and resources, as in the military, adjustments have to be made to feed and house them. Both were initially inadequate for the first responders.

**Recommendation:** It must be made a priority by the state to ensure that first responders are provided with food and housing by the state.

**Gasoline:** First responders were initially unable to obtain adequate supplies of gas for their patrol vehicles due to shortages. Additionally, Troopers stationed on Long Island were unable to obtain gas for their personal vehicles to drive to work.

**Recommendation:** Ensure there is an adequate supply of gasoline at each Troop and Zone Headquarters. Many of these reserves were removed within the last few years due to environmental regulations. Again, streamlining regulations to allow first responders to fulfill their mission is of the utmost importance.

**Boundaries:** The NYSP has jurisdiction throughout the state regardless of local boundaries covering villages, towns and counties. But what happens when a natural or manmade disaster – unrestrained by manmade boundaries – occurs on either side of a state boundary?

**Recommendation:** The state of New York should enter into a permanent compact with all adjoining states to allow the respective state police patrols authority in those adjoining states in the event of a declared disaster, with the authorization of the respective governors of those states.

Recent discussion has centered on the cooperation of numerous responding agencies and volunteers. The state of New York already has an agency with the expertise and experience of responding to disasters – the New York State Police. Since Troopers are usually present at the outbreak of said disasters anyway, it is imperative that the state equip this agency with the proper manpower and resources to carry out its mission as a statewide first responder. Hopefully, some if not all of these recommendations will be realized in the future.
A fifth grader in Mount Carmel Elementary School, Mt. Carmel, Pa., talks about, does not have, but talks about a “bubble gun” that when pointed at a person, will shoot bubbles in that person’s direction. She talks about it at a bus stop with another student and is then interviewed for three hours and eventually suspended for ten days. Is this overreaction to the recent events in Newtown, Connecticut?

In speaking of the now very controversial subject of gun control, not too many people are in the middle. We have those who want to see major reform and use the recent “spree” shootings at a congressional open forum in Arizona, at a mosque in Wisconsin, at a movie theater in Colorado, and in an elementary school in Connecticut, as their backdrop for the rallying cry to get these guns off the streets. On the other side are those who would evoke the Second Amendment as sacred and that “guns don’t kill people, people kill people”. They will do all they can to protect this Constitutional right and not give an inch to changing any form of this belief.

Major changes in law are not supposed to be dealt with in the heat of the moment after a tragic circumstance. There is argument that these changes should be softly massaged, that they should not tread too viciously on our rights. The gun rights activists will argue that although the “assault weapons” have been available for the last 100 years, that the phenomenon of mass shootings is only recent (within the last forty years). The point exists that the statistics on these assault weapons being used for most of the violent crimes in the country are exaggerated and are only responsible for a small amount of the actual violent crimes. There even exists the notion that these assault weapons are actually legally used for hunting purposes in more than 35 states, to keep small game under control. In the State of New Jersey, a state with some of the toughest laws on the books concerning firearms, there still exists a pervasive gun carrying mentality in our inner cities, followed by the violence that occurs as a result of gang related interconflict. We should punish criminals when they do not act in accordance with current laws and not try to force law abiding citizens to predict and prepare for the unaccountable behavior of the criminal element.

In the aftermath of the Sandy Hook Elementary School shootings in Newtown, Connecticut, most Americans have an opinion on what should be done to prevent this tragedy from happening again. Although, we seem to make this same statement each time one of these incredible events of senseless violence occurs, this event seems to have been the final catalyst that has brought us to a point where we now will do more than talk about it, we shall finally do something tangible.

Unfortunately, as much as we lobby our legislators, it will be up to them and every politician that has a “dog” in this fight, to come up with Laws that tighten up background checks, enhance limits on assault weapons, regulate ammunition sales, and all the other facets directly linked to the control issue.

And when we hear the hue and cry of increasing the penalties and making the laws stronger for gun violations, we all know the reality. With every case which is prosecuted, the ability to entertain plea bargaining is allowed and in most cases the maximum is rarely enforced. The same pertains to all the rhetoric about putting more cops on the streets. We have for years battled long and hard to get more staffing and have come up to too many brick walls, with the administrations echoing, "do more with less.....".

We understand “the need to create serious punishment for gun trafficking, to help communities across the county keep 15,000 cops on the street, to maximize enforcement efforts to prevent gun violence and prosecute gun crimes, to provide effective training for active shooter situations for 14,000 law enforcement officers, first responders, and school officials” as detailed in “The Presidents’ Plan to protect our children and our communities by reducing gun violence”. (January 16, 2013)

As we in Law enforcement battle with the concept of making legitimate, common sense, and comprehensive
changes to gun laws, we also must consider not trampling on the Second Amendment. Thus without infringing on our Right to Bear Arms, we must consider not only what to do with existing gun statutes, but all the other ancillary tentacles’ that come out of the gun control debate.

These include looking at mental health, and making sure that our mental health professionals are not hesitant to report a case where they believe that someone is potentially violent and may do harm to others; increasing our efforts of education, either through the DARE programs or other programs of like nature; continue our research on the effects of how and why guns are used in violent deaths; look to downsize the violence in the video game industry, as well as TV, music, etc.

We can certainly advocate an increase in the amount of resource officers we can place in schools, but again, the reality is that a lot of our budgets, although well intentioned, cannot afford to cover this cost. So, it also means taking a look at the time we spend in each of our schools. We need to look at the idea of increased property checks at the schools within our jurisdictions, if only to visit or stop in for a short time to walk the halls and provide that comfort zone to those administrators, teachers and children, that we do care and are there to prevent any violence.

We must be part of the conversations that look at modern weaponry, guns that are “owner friendly”. We have visited with the science of pistol grips or thumb pads that allow only the gun owner to handle and fire a specific weapon.

And we cannot forget our own personal responsibilities in maintaining the safety of our communities by securing our weapons and keeping them out of the hands of minors and those who would use them in a violent manner. Let us look to make sure in our communities that our folks feel the same ownership on this issue that we do and make them part of this national gun ownership campaign, of insuring that we utilize the best in preventative measures in securing our own weapons.

No one in this country could have known nor been prepared for the terrible tragedy that occurred in Newtown. But that’s the point. The “...it could never happen to us......” attitude is a fallacy. We should not be forced to walk on eggshells during our time on earth, but we should perhaps keep one eye open at all times, especially we in law enforcement, to make sure that our children grow up to enjoy what this world has to offer.

---

Police Officer’s Prayer to St. Michael

Saint Michael, heaven's glorious commissioner of police, who once so neatly and successfully cleared God’s premises of all its undesirables, look with kindly and professional eyes on your earthly force.

Give us cool heads, stout hearts, and uncanny flair for investigation and wise judgement.

Make us the terror of burglars, the friend of children and law-abiding citizens, kind to strangers, polite to bores, strict with law-breakers and impervious to temptations.

You know, Saint Michael, from your own experiences with the devil that the police officer's lot on earth is not always a happy one; but your sense of duty that so pleased God, your hard knocks that so surprised the devil, and your angelic self-control give us inspiration.

And when we lay down our night sticks, enroll us in your heavenly force, where we will be as proud to guard the throne of God as we have been to guard the city of all the people.

Lord I ask for courage

Courage to face and Conquer my own fears ... Courage to take me Where others will not go ... I ask for strength Strength of body to protect others And strength of spirit to lead others ... I ask for dedication Dedication to my job, to do it well Dedication to my community To keep it safe ... Give me Lord, concern For others who trust me And compassion for those who need me ...

And please Lord Through it all Be at my side ...

Amen

May God bless the National Troopers Association, State Troopers, Highway Patrol, family, and friends.

Colonel Father Oscar Frundt

---

Changes to gun laws, we also must consider not trampling on the Second Amendment. Thus without infringing on our Right to Bear Arms, we must consider not only what to do with existing gun statutes, but all the other ancillary tentacles’ that come out of the gun control debate.

These include looking at mental health, and making sure that our mental health professionals are not hesitant to report a case where they believe that someone is potentially violent and may do harm to others; increasing our efforts of education, either through the DARE programs or other programs of like nature; continue our research on the effects of how and why guns are used in violent deaths; look to downsize the violence in the video game industry, as well as TV, music, etc.

We can certainly advocate an increase in the amount of resource officers we can place in schools, but again, the reality is that a lot of our budgets, although well intentioned, cannot afford to cover this cost. So, it also means taking a look at the time we spend in each of our schools. We need to look at the idea of increased property checks at the schools within our jurisdictions, if only to visit or stop in for a short time to walk the halls and provide that comfort zone to those administrators, teachers and children, that we do care and are there to prevent any violence.

We must be part of the conversations that look at modern weaponry, guns that are “owner friendly”. We have visited with the science of pistol grips or thumb pads that allow only the gun owner to handle and fire a specific weapon.

And we cannot forget our own personal responsibilities in maintaining the safety of our communities by securing our weapons and keeping them out of the hands of minors and those who would use them in a violent manner. Let us look to make sure in our communities that our folks feel the same ownership on this issue that we do and make them part of this national gun ownership campaign, of insuring that we utilize the best in preventative measures in securing our own weapons.

No one in this country could have known nor been prepared for the terrible tragedy that occurred in Newtown. But that’s the point. The “...it could never happen to us......” attitude is a fallacy. We should not be forced to walk on eggshells during our time on earth, but we should perhaps keep one eye open at all times, especially we in law enforcement, to make sure that our children grow up to enjoy what this world has to offer.

---

Police Officer’s Prayer to St. Michael

Saint Michael, heaven's glorious commissioner of police, who once so neatly and successfully cleared God’s premises of all its undesirables, look with kindly and professional eyes on your earthly force.

Give us cool heads, stout hearts, and uncanny flair for investigation and wise judgement.

Make us the terror of burglars, the friend of children and law-abiding citizens, kind to strangers, polite to bores, strict with law-breakers and impervious to temptations.

You know, Saint Michael, from your own experiences with the devil that the police officer's lot on earth is not always a happy one; but your sense of duty that so pleased God, your hard knocks that so surprised the devil, and your angelic self-control give us inspiration.

And when we lay down our night sticks, enroll us in your heavenly force, where we will be as proud to guard the throne of God as we have been to guard the city of all the people.

Lord I ask for courage

Courage to face and Conquer my own fears ... Courage to take me Where others will not go ... I ask for strength Strength of body to protect others And strength of spirit to lead others ... I ask for dedication Dedication to my job, to do it well Dedication to my community To keep it safe ... Give me Lord, concern For others who trust me And compassion for those who need me ...

And please Lord Through it all Be at my side ...

Amen

May God bless the National Troopers Association, State Troopers, Highway Patrol, family, and friends.

Colonel Father Oscar Frundt

---
Recognizing Our Military Service Men and Women

Corresponding Secretary Andrew Matthews

This edition of the Connecticut Trooper magazine is dedicated to those State Troopers (and their families) who have served, or are currently serving, in all branches of the Armed Forces while protecting our Country in times of war and of peace. We acknowledge these members for their dedication and devotion to keeping our country secure and for risking their lives in order to defend and preserve our way of life. We also give pause and remember these remarkable men and women who have sacrificed their lives or who have been wounded while serving our Country overseas or here at home. We will never forget these men and women who were willing to personally sacrifice themselves, their careers and even their precious time with their families to answer a calling to protect others.

To those members who are currently serving overseas, we want to especially thank-you for your personal sacrifice and dedication to preserving peace throughout the world. Our military members and their families need to know that the Union will continue to provide assistance for those activated members who are not able to be here to provide for their families. We will continue sending care packages and continue to provide professional services for your families here at home. It’s the least we can do for you! Please, be safe and return home soon!

The State Police Union membership is proud of those members who serve the State of Connecticut while wearing the uniform of a State Trooper and who also serve our Country, while wearing the uniform of our Armed Forces. We believe our military members should be recognized for their selflessness and their commitment to preserve the freedoms that we all enjoy. They deserve recognition for their many accomplishments and service. We are blessed that these members have been able to have a positive impact on the lives of others and have been responsible for changing the lives of those less fortunate living in other countries. We are forever grateful for your services!

In closing, we can never say it enough that we salute the personal and professional sacrifices our members in the military (both past and present) have made to our country. It is because of this, that the United States of America is, and will always be, the land of the free. As we move into the future, the Union will always recognize and honor these courageous men and women by proudly caring for them and their families during their tours of duty. As we keep them in our thoughts and prayers, may God bless our veterans and watch over all active members of our military and our State Troopers, who are willing to make the supreme sacrifice while fulfilling their oath and calling. Let us never forget those we have lost.

"The nation which forgets its defenders will be itself forgotten." – Calvin Coolidge

Be Safe,

Note: The State Police Union would like to express our appreciation to those businesses and individuals that support our Trooper Magazine and make it possible for us to financially support those in need and allow us to give back to the communities we serve. We will continue to encourage our members to patronize those businesses that support the Connecticut Trooper magazine.
Congress Must Adequately Fund Law Enforcement

Congress continues to grapple with answers to fix our nation’s fiscal woes and law enforcement agencies across the country are forced to quietly deal with the strain of reduced funding and fiscal uncertainty. The law enforcement community is respectful of political leaders and seldom makes headlines for political advocacy. Despite having a sizable presence in Washington, D.C., law enforcement advocacy groups rarely voice public opposition to Members of Congress or the President. As Congress and the Obama Administration continue to debate serious issues, including public safety funding, law enforcement professionals continue to provide the necessary public safety all citizens demand. Congressional talk of proposed budgetary cuts and the hangover of a severe recession have led to significant reductions in manpower, increased responsibility for rank and file troopers and little hope of any near-term solution.

In August 2011, Congress passed The Budget Control Act. This Act raised the nations borrowing limit and set the stage for $1.2 trillion in federal cuts by January 2, 2013. The mandated federal cuts impacting law enforcement amount to an 8.2% reduction in federal funds. Congress failed to meet the statutory deadline and with the mandated cuts set to take effect, passed, on January 1, 2013, a temporary two month extension; thus, providing more time for Congress to achieve consensus to avert the fiscal crisis. This budgetary uncertainty has directly impacted law enforcement across the country.

Federal funding for criminal justice grant programs have realized a 43% cut since FY 2012. If Congress fails to reach an agreement on “Sequestration”, justice grant programs will be virtually unfunded by 2021. In October 2012, The National Troopers Coalition, along with 714 organizations, participated in a national survey conducted by the National Criminal Justice Association in partnership with the Vera Institute of Justice which found that financial support for state and local law enforcement agencies has significantly decreased since FY 2010. Respondents of the survey, comprised mostly of state and local law enforcement agencies, reported significant reductions in their organization’s workforce and a reduced ability to serve their communities.

Law enforcement in the United States provides the front-line of defense to the “war on terror” and they provide the constant vigilance that keeps our society safe. State Police divisions have diverted necessary resources from specialized enforcement units in order to maintain minimum patrol coverage and troopers are being called upon to do more with less. Increasingly state police agencies are being called upon to fill the gaps of local police, resolve issues previously handled by social services agencies and provide service for larger patrol areas, all the while doing this increased work with fewer resources. This has placed a significant strain on individual troopers and highway patrol officers.

Law enforcement professionals are a relatively quiet political advocacy group and they do not voice public opposition to political decisions easily; however, the time has come for legislators to recognize the important contributions of these professionals and provide them with the necessary tools to effectively do their jobs. Conservative and progressive legislators alike agree that public safety is vital to maintaining a free society; it is time to recognize the contributions of our law enforcement community and stop further discussions of decreased federal funding for law enforcement.

A. Bradford Card
Managing Principal
Dutko Grayling
100 M Street, SE. Suite 500
Washington, DC 20003

(202)484-4884 Office
(202)863-1980 Fax
www.dutkograyling.com
A new digital radio system is enabling the Maryland State Police to communicate and share data with other state agencies as well as local police, firefighters and emergency medical technicians across Maryland. The first phase of the Maryland First Responders Interoperable Radio System Team (Maryland FiRST) became operational in January after final testing and user training was completed. According to Maryland Gov. Martin O’Malley, for the past 10 years, state officials have been pursuing 12 Core Capacities to improve homeland security, with an interoperable communications system to connect the state’s first responders ranking the highest among them.

"All of the radios that our police officers and firefighters carry should enable them to communicate with other jurisdictions or departments, not only during large-scale emergencies, but also for basic, daily operations," said Gov. O’Malley when he made the first call on the new system to Maryland State Police officers last June. "By building Maryland FiRST, we are making great progress toward this critical goal of interoperability for our public safety agencies. Our first responders deserve modern communications equipment to perform their jobs in the safest and most effective way possible."

The initial phase of Maryland FiRST covers the area along the state’s busy Interstate 95 corridor, where one-third of Maryland’s estimated population of nearly 6 million people is located. It also includes about two-thirds of the state’s critical infrastructure, such as Baltimore-Washington Thurgood Marshall International Airport, the Port of Baltimore, the Inter County Connector, the Key Bridge, the Chesapeake Bay Bridge, the Harry Nice Bridge and both tunnels under Baltimore Harbor.

"This new statewide radio system will allow all of Maryland’s public safety agencies to communicate more efficiently on the same system, which will ultimately enhance our mission of homeland security," said Col. Marcus L.
Maryland FiRST is the first interoperable statewide 700 MHz radio communications system in Maryland. The Maryland State Police, the Maryland Transportation Authority and Kent County on the state’s Eastern Shore are the first users.

Brown, superintendent of the Maryland State Police. “This new technology, which makes instantaneous radio connectivity possible, will provide emergency responders with even more tools to improve our state’s emergency preparedness.”

Maryland FiRST is the first interoperable statewide 700 MHz radio communications system in Maryland. The Maryland State Police, the Maryland Transportation Authority and Kent County on the state’s Eastern Shore are the first users. In addition to communicating with one another on the same system, Maryland FiRST enabled the agencies to meet the Federal Communications Commission’s Jan. 1, 2013, deadline to operate their equipment on a narrower band of the radio spectrum.

Maryland FiRST was designed and is being built by Motorola Solutions at the direction of the Maryland Department of Information Technology. It is one of the first ASTRO®
Project 25 (P25) Phase 2 Time Division Multiple Access (TDMA) systems with Dynamic Dual Mode to be deployed in the nation. The technology maximizes current frequency allocations with a standards-based solution, while maintaining interoperability with other P25 systems. This provides the system's users with enhanced coverage and interoperability with surrounding agencies.

"Helping our federal, state and local government customers achieve maximum interoperability is a high priority for Motorola Solutions," said Mark Moon, executive vice president and president of Sales and Product Operations, Motorola Solutions. "We are pleased to work with the state of Maryland to establish Maryland FiRST and create a fully digital and secure radio system that enables police and other first responders to react quickly and effectively in emergencies. First responders will rely on Maryland FiRST to complete their missions, and Motorola Solutions is committed to providing the dependable communications they need."

With the first phase of Maryland FiRST now in operation, work on the second phase has started. It is scheduled to go online by the end of this year and cover the remaining eight counties on the Eastern Shore, which comprises more than one-third of the land area in the state. Construction will then begin in the central region and move to the western part of the state. In 2016, when completion of the entire system is expected, it will serve all state agencies across Maryland as well as local jurisdictions that choose to partner with Maryland FiRST for the highest level of interoperability in emergency communications.
FOR THOSE WHO SERVE

ACTIVE OR RETIRED LE OFFICERS • FIRST RESPONDERS • ACTIVE DUTY OR RETIRED MILITARY
• ACTIVE RESERVISTS OR NATIONAL GUARD

SIG SAUER® would like to thank you for your dedication and service by offering two special purchase programs for SIG SAUER firearms.

INDIVIDUAL OFFICER PURCHASE PROGRAM
There are two ways to save – by purchasing through your agency or through an authorized dealer near you.

COMMEMORATIVE PURCHASE PROGRAM
Receive a special discounted price and free custom engraving. Minimum order of 25 pistols (same model & caliber). Included with each pistol are three magazines, SIGLITE® Night Sights, gun lock, and manual. The program also offers savings on tactical rifles in minimum quantities starting at 15.

For complete information, contact:
Officer Purchase Program: Email: publicsafetysales@sigsauer.com
Commemorative Program: Email: commemorativesales@sigsauer.com
Phone: (603) 418-8190  Fax: (603) 772-1481
On February 7, 2013, the NorthEast Region of the National Troopers Coalition met at the Shawnee Inn, in Shawnee on the Delaware, Pa., for the purposes of discussing issues and concerns that are affecting member states and law enforcement within the NTC.

The meeting was in conjunction with the annual Tri-State Troopers Dinner that honors and pays tribute to the fallen state troopers from the NJ / NY / PA state police organizations.

East Regional Coordinator and Delaware State Troopers Association President Thomas Brackin presented a check to Gary Talijan, one of the coordinators of the dinner.
EPIC - Risk Solutions
www.epicrisksolutions.com
Alabama State Trooper Provides Life-Saving Assistance in Dothan

An Alabama state trooper assigned to the Highway Patrol’s Dothan Post is credited with saving a man’s life while on patrol, carrying out the Alabama Department of Public Safety’s mission to serve and protect.

On the morning of March 7, Trooper Virgil Bowen had just left the Dothan Post when he noticed an 11-year-old boy attempting to flag down traffic along U.S. 231. The trooper stopped to offer assistance and discovered a medical emergency inside the boy’s father’s business.

Business owner Charles Stewart Long Jr. stated that his 36-year-old brother, Clayton Long, who has Down syndrome, had suffered a heart attack and had collapsed in the doorway of the business. Charles Long did not know how to administer CPR and sent his son to seek help. Trooper Bowen immediately called for an ambulance and assessed the situation. He approached Clayton Long, cleared his airway, checked for a pulse and began chest compressions. The trooper then instructed Charles Long on how to perform rescue breathing and continued CPR until the ambulance arrived.

Emergency medical technicians found that Clayton Long had a pulse and transported him to Flowers Hospital, where he remains and is listed in stable condition.

Charles Long stopped by the Dothan Post the morning after the incident and wanted to make sure Trooper Bowen’s supervisors were aware of his lifesaving actions.

Charlton Martin

As a Drug Interdiction Assistance Program (DIAP) instructor, Sgt. Charlton Martin was aware of the national organization’s Officer of the Year award, but he had never given any thought to being honored.

“I had no idea I had even been nominated,” said Martin, who served for seven years with the Opelika Police Department before becoming an Alabama state trooper 16 years ago. He is assigned to the Felony Apprehension Patrol Unit of the Alabama Department of Public Safety’s Highway Patrol Division.

Martin has specialized in criminal interdiction for more than 10 years and was recently named “The United States 2011-2012 ‘Bob Thomasson’ Criminal Interdiction Officer of the Year” during a national conference in Little Rock, Ark. According to his nomination, Martin is “a driving force behind the implementation of his department’s highly successful criminal interdiction program.”

A FAP Unit supervisor, Martin is the K-9 instructor, and he manages the unit’s 17 K-9 teams [14 narcotic teams and three explosive teams]. He also has served in numerous leadership positions in DIAP, both for his state and his district.
Martin’s list of significant seizures includes 3,290 pounds marijuana, 36 pounds heroin, 121 pounds cocaine, and $2 million in U.S. currency.

What most impressed Martin about the honor was the fact that the selection committee comprising past winners blindly chooses each year’s recipient based on accomplishments. Once nominees are collected, names and other identifying elements are removed, and the nominees are assigned a number. Their nomination files are then reviewed by their peers.

So what is the secret to winning such awards and having such an accomplished career in law enforcement? For Martin, it’s simple. “It’s just a strong work ethic. That’s all it is,” he said. “It’s really on the individual. Whatever you do, you just try to do it well. I don’t look for recognition.”

Martin is self-motivated and finds helping others satisfying. Recently, during a traffic stop, he discovered that the vehicle’s driver and passenger had more than $100,000 of gold jewelry in their possession. At that point, the robbery had not even been reported, but there was Martin, retrieving a woman’s lifelong collection of gold pieces, sentimental items that truly were priceless to her. And knowing he helped to give someone her life back was a good feeling, he said.

“We [law enforcement] are not going to put somebody in jail every day, but we’re going to help somebody on a daily basis,” he said.

In addition, he said, “protect” is an action verb, and troopers and other law enforcement officers must seek out deception and be able to see and hear it. Always being prepared to take a routine traffic stop to the next level is key.

* ‘Criminal patrol tactics’ are nothing special,” Martin said. “Every officer – if you have a badge or a gun – should be doing criminal patrol. Every stop. Our job is to discover crime, not respond to it. We’ve got to be observant.”

Such skills become second nature, he said, adding, “Some people go hunting; some go fishing. I go out on the interstate for an adult game of hide and seek – with serious consequences for individuals and society.”

**BREAKOUT ON HIS ACCOMPLISHMENTS**

Credit for Success

“Other team individuals have been recognized as well as the unit. The unit’s success is the reason I received the award. It bears my name but belongs to them,” Martin says. “Of course, the ultimate glory goes to the Creator, who gives us the daily breath of life and sacrificed His Son, my Lord and Savior, Jesus Christ.”

**Other FAP Unit Winners**

Top “Cold Stop” Seizure Award Winners:

- 2001, Jessie Peoples, 841 pounds cocaine;
- 2007, Ed Ryan, 5.8 pounds crack cocaine;
- 2007, Charles Anderson, 86 pounds Ice [meth].

“Cold Stop” means no information was known prior to the traffic stop where contraband was recovered.

DIAP/EPIC Instructor of the Year Award Winners: Will Barnes, Robbie Autery and Charlton Martin.

More about Award:

Known as the “DIAP Award,” it is sponsored by and in recognition of U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and U.S. Department of Justice through the Drug Enforcement Administration and the El Paso Intelligence Center.

---

**Saving Heflin Police Officer**

Heflin Police Department is praising the efforts of Alabama state troopers who played a vital role in saving a Heflin police officer’s life during a Nov. 15 incident that began in Cleburne County and ended in Calhoun County.

Heflin Police Officer Jackie Stovall was seriously wounded during a chase and exchange of gunfire with homicide suspect Romero Roberto Moya, 33, of Heflin. Trooper John Lewis, assigned to the Alabama Department of Public Safety’s Highway Patrol Post in Jacksonville, and three of his coworkers responded to the call.

Discovering Heflin Police Officer Jackie Stovall had been wounded in the leg, Lewis immediately reported that an officer was down and began to apply pressure to the officer’s femoral artery to curb bleeding as the Jacksonville Post’s Cpl. William Ross cleared the officer’s airway. About six minutes later, a nurse arrived on scene to assist until the downed officer could be transported to an Anniston hospital.

Heflin police said Stovall probably would not have survived without emergency medical assistance from DPS’s Trooper Lewis.
Spartan Death Race

Before they are even accepted for the Spartan Death Race, which is based in Vermont, potential competitors are required to sign waivers stating that they understand they could die during a race.

Yes, die.

That, however, didn’t deter one Alabama trooper from submitting his application. Cpl. Shannon Gates, a trooper assigned to Highway Patrol’s Huntsville Post, was eager to challenge himself and willing to give this endurance competition a try.

Almost 350 people entered the race, which is billed as “an event that will test your limits mentally, physically and emotionally,” said Gates, who was one of only 260 racers who actually showed up for the event that began June 15.

"None of the racers know exactly when the race begins, the distance that will be covered, the ascent/descent that will be negotiated, the tasks that must be accomplished or the time that the race will end,” the trooper told reporter Charles Whisenant of The Arab Tribune.

Prior to the race, the 42-year-old Arab man had to gather a lengthy list of items that he was required to include in his pack for the race: needle and thread, life vest, pen, paper, black compression shirt, pink swim cap, five-gallon bucket, an axe and bag of human hair.

Once the competition began, Gates gave it his all for 52 hours, traveling nearly 100 miles by foot, enduring 25,000 elevation gain/loss in the mountains and doing so on no sleep.

Not everybody understands the allure of such a competition, the trooper said. “I guess, in reality, I can’t put into words the allure of it, but that is exactly the kind of adventure that draws me,” he said.

Gates was a bit disappointed that he did not finish the race, but it was a great experience and, he said, “I pushed myself harder and further than I ever have, and with that, I am happy.”

Connecticut’s Newest Attraction:
The Connecticut State Police Museum and Educational Center

For just under 40 years the Connecticut State Police Academy Alumni Association has been serving its active and retired members. Eight years ago the CSPAAA appointed a Connecticut State Police museum committee. So now you know the boring details, but the results were much less boring and are actually quite impressive. They are impressive for the same reasons that you want to relate to and emulate the underdog in a story.

A large cadre of committee members, CSPAAA members, associate members and others decided they needed a home for the large and diverse collection of CSP-related items donated over the years. They wanted to build a museum. Seemed like a simple task, right? It wasn’t.
Timing and circumstances played key roles in moving this dream into reality. The Honorable John A. Danaher III, now a judge of the Connecticut Superior Court, was Department of Public Safety commissioner at the time. We paid him a visit, which would turn out to be the single most important event in our Association’s history. Commissioner Danaher’s family has a history of state service going back to the 1800s. His great-grandfather’s state service included helping to create the Connecticut State Police Department in 1903 and in the large CSPAAA collection is a picture of Cornelius J. Danaher, Sr. riding in a CSP motorcycle side-car.

At a regularly scheduled and tedious meeting Lieutenant Samuel Izzarelli surprised us with a visit and advised that the CSPAAA could lease (after all formal agreements were signed, of course) Building #7, the former Meriden offices of the Statewide Organized Crime Investigative Task Force, in the Mulcahy Complex. After much wrangling with the Departments of Public Safety and the Public Works legal beagles we negotiated a ten-year lease for one dollar or ten cents a year for ten years.

The rest was easy – rid the building of lead paint and asbestos, tile and sheetrock the interior, raise funds, solicit donations – piece of cake! A lot of hard work, many volunteer hours and determination to realize our dream resulted in the new Connecticut State Police Museum and Educational Center. It is a spectacular tribute to the men and women who made it happen. They did it with their backs and with their dollars and in many instances “both.”

June 30, 2012 was a sparkling summer day and could not have been more perfect for the museum’s grand opening. The Honorable Nancy S. Wyman, Lieutenant Governor, assisted us with the ribbon cutting. Staff from DPS headquarters, troopers and non-sworn members of the agency attended. The CSP color guard and the pipes and drums band were great. The Connecticut State Police Union, always working hand in hand with our Association, were well represented and President Andrew Matthews presented us with a generous check on behalf of the Union. We will use this donation to create professional museum exhibits for physical plant improvements.

The museum honors the men and women of the Connecticut State Police and our history. It is the newest of Connecticut’s museums. The state’s Department of Tourism website says it all, the museum “is also the sobering reminder of the sacrifices made by Troopers during the more than 100 year long history.” It is fun for kids, thought provoking for the general public but truly special to those who took the oath.

Come and visit when you can. Bring us some photos or tell us where that next artifact is hiding. We are open year round and our current hours of operation are Friday 12:30 pm-3:30 pm and Saturday 12 pm-4 pm. Other times are by appointment only. For more information: info@cspaaa.com.
Several CSP Union members represented the Connecticut State Police during the National Police Week events held in our nation’s capital in May. With support from the Union, Sergeants Andrew Matthews (CSPU President) and Craig Jones as well as Troopers First Class James Matlock, John Naples, Andrew Borelli and Troopers Tyler Charette and Alex Rua traveled to Washington DC. The troopers participated in many police week events held over the weekend of May 12 and 13. In its 24th year, the events include a candle light vigil, which takes place at the National Law Enforcement Officers Memorial.

During their visit, the troopers conducted themselves with nothing less than complete professionalism. They worked together to comfort and ensure the safety of Shelia Hall, widow of TFC Kenneth Hall. TFC Hall was killed in the line of duty on September 2, 2010 and his name is etched on the wall at the NLEO Memorial. In a show of support and solidarity, the troopers gathered with Mrs. Hall and her sister, Mary. Mrs. Hall expressed her and her sister’s gratitude for the comfort she felt by having the troopers with her. She was especially thankful for their dedication to the memory of her late husband and all the fallen officers.

On the evening of May 12th the group accompanied Mrs. Hall to take etchings of the names of all 21 Connecticut troopers who have died in the line of duty since 1903. The etchings were assembled and are now proudly displayed in the offices of the CSP Union.

Several other Connecticut troopers participated in various events during Police Week. TFC Andrea Cloutier rode her bike for 300 miles arriving in DC as part of the Police Unity Bicycle Tour, which is a fundraiser to support the NLEO Memorial. Other CSP troopers attended the events on their own in order to show support. They had a good time networking with old friends and meeting new ones. The group met some amazing troopers and police officers from around the country. These new connections and friendships expanded our view of the “thin blue line,” and the bonds that unite us. This was truly an exceptional experience. Every trooper should try to participate in National Police Week at some point during their careers. We certainly hope that the Union and the agency keep working together to send troopers to this yearly event.

National Police Week 2013 will be held from May 12 to 18 next year.
According to the NLEO Memorial Fund’s website, President Kennedy proclaimed May 15, 1962 as National Peace Officers Memorial Day and the calendar week in whenever May 15th falls, as National Police Week. The Candlelight Vigil will be on Monday, May 13 and the National Peace Officers Memorial Service will be on Wednesday, May 15, 2013.

SGT Jones noted two reoccurring themes in conversations among troopers this weekend – great attitudes and wanting to be at this national event for unselfish reasons. Without exception each trooper expressed that this was his or her way to show support for fallen officers and to properly represent the Connecticut State Police. But further, they knew they would get something in return. They knew that participating in this event would give them a boost in “esprit de corps” and camaraderie. They knew that being a part of something this big and important motivates them, keeps them from becoming complacent in their duties, and helps to view things with a fresh outlook. They proudly reflected on why they wanted to become troopers in the first place and what it truly means to be a Connecticut State Trooper.

---

**TFC Joseph Morelli Receives Prestigious National Award**

By Ruth G. Torres

The National Police Bloodhound Association (NPBA) celebrated its 50th Anniversary over an October weekend recently. The NPBA is a non-profit organization dedicated to the advancement of the man-trailing bloodhound. An awards dinner held on October 12, 2012 at the Four Points by Sheraton in Meriden was preceded by a seminar and business meeting. TFC Joseph Morelli (Canine Unit) not only helped organize the annual meeting but was honored with the Joe B. Markham award for his contributions to the “promotion of the man-trailing, purebred bloodhound in the field of law enforcement” according to NPBA historian Michael Flora.

The award is named for SGT Joe B. Marcum of the Montgomery Ohio Police Department, who was a charter member of the NPBA. SGT Marcum was devoted to use of bloodhounds for law enforcement purposes. Since 1964 members of the Montgomery Police Department have supported this award to honor their colleague, SGT Marcum. Although the award may be presented annually to the NPBA member who has contributed most to the cause SGT Marcum believed in, there are years when there was no one deserving that honor. This makes it a very special award indeed.

TFC Joseph Morelli is an instructor in the CSP Canine Unit. He and his bloodhound Kim joined the NPBA in 2008. They were recognized by the Association in the 2009 for a search that saved the life of a missing subject. According to Mr. Flora, that same year TFC Morelli’s dedication to the breed
Connecticut, cont.

NATIONAL TROOPER

From left: NPBA President MdSP Trooper Doug Lowry (RET), Joe Morelli and Sussex County NJ Prosecutors’ Office Special Investigator Mike Flora (RET) with the plaque on display at CSP Canine Unit.

TFC Stowell Burnham, instructor at NPBA seminar.

NPBA Instructors Joe Morelli and SGT Jim Kodzis at the annual seminar.

Thank you troopers for your sacrifice. Job well done!

West Coast, TFC Morelli was chosen to give both classroom and field training instruction in 2010. He earned his instructor’s certificate and was appointed as assistant training administrator. Joe is also a member of the NPBA instructor review committee.

During the award presentation, attendees heard that TFC Morelli is an instructor who plays an important role in preparing other law enforcement officers for the task of fielding well trained man-trailing bloodhound teams. Joe leads by example and has set standards of professionalism that are respected by his peers. Joe is the 42nd recipient and one of three CSP recipients of the Marcum Award. Other CSP awardees are MSGT David Barger (RET) who was a trooper when he received the award in 1991 and MAJ William N. Smith (RET) who was a CSP corporal when he received the award in 1970. TFC Morelli’s name has been added to the plaque, which is on display at the Canine Unit offices in Meriden until it is awarded again.

Thank you troopers for your sacrifice. Job well done!
Delaware

PROTECTING DELAWARE’S INFRASTRUCTURE

DELAWARE ANTI-TERRORISM TIP LINE
1-800-FORCE-1-2
PLEASE REPORT SUSPICIOUS ACTIVITY THAT MAY BE RELATED TO TERRORISM
Each year members of the Delaware State Troopers Association, Delaware State Police and volunteers suite up and visit many schools, hospitals, and other significant locations for the physically challenged throughout the entire state of Delaware.

The children and staff love our visit every year.

A special thank You to Mrs. Delaware, Christine Rich, Miss Delaware, Alyssa Murray, Chick-fil-a and the Delaware Blue Rocks for joining and supporting us again.
Troop A HQ Grand Opening & DE Mounted Unit

2012 World Punkin Chunkin Competition Held Near Bridgeville, Delaware
Delaware, cont.

Photos by Lt. Bruce E. Von Goerres.
NATIONAL TROOPER

Indiana

Sergeant Chris Barr – “Born to Track”

I

n last month’s issue I included a picture of Sergeant Todd Wallace with a large buck he had killed during bow season in Henry County. Also in that picture was Sergeant Chris Barr, and if you look closely in his hands, is his highly trained Wirehaired Dachshund, Gerti. Chris and his dog had trailed and located Todd’s deer in short fashion.

Chris belongs to an organization known as “United Blood Trackers,” a national organization specializing in blood trailing Wirehaired Dachshunds. The dogs are based on European breeds and are used by hunters and outfitters all over the country for tracking wounded game such as bear and deer. The service they provide is invaluable to hunters across America.

According to Chris, breeder statistics show these dogs’s average finding 33% of wounded deer; but they also show 33% of wounded deer are not mortally wounded. That brings their average to finding one of every two wounded deer. The ones not found could be due to the deer not being mortally wounded, weather changes, tracking conditions, mistakes by the tracker or hunter, or maybe just an off day for the dog.

Just as Chris approaches his job with ISP, he is also very passionate about the job he and Gerti do. In their four tracking seasons together they have been on 64 tracks and have found 25 deer. For more information regarding their service and the trackers nearest you, go to www.unitedbloodtrackers.org and click on find a tracker.

Gadabout-Barr, left; Wallace, right, 10/26/12.

Crimes Against Children Unit (CACU) & Cyber Crimes Unit (CCU); Work to Protect Indiana Youth

By Sergeant Joe Watts, Public Information Office

I

n today’s society, the most insidious criminals are those who choose to prey on children through heinous acts that steal the innocence of childhood. Tragically, infants to teens can become sexual targets of family members, neighbors, persons charged with their care, or total strangers. Victims include both genders, all races and all socio economic backgrounds. Not only are the effects of child sexual exploitation physically and mentally debilitating, but can last a life time and often result in a recurring pattern of abuse for future generations.

Sadly our modern day cyber world permits depraved persons to victimize children around the globe. Violators of children use the Internet to exploit and victimize children in Indiana without ever actually coming in contact with the child. Sexually explicit images and videos of children can literally be produced and disseminated online in a matter of minutes. Once child pornography hits the Internet it is virtually impossible to ever remove, thus perpetuating the victimization of those violated beyond their lifetime.

In our modern society there are dedicated professionals in and out of law enforcement working tirelessly to identify and prosecute the criminally deviant people who violate our children. At the Indiana State Police there are 14 highly motivated, fiercely dedicated, and extensively trained men and women of the Indiana State Police Cyber Crimes and Crimes Against Children Units. These detectives are tasked with the responsibility of conducting investigations involving online child enticement inclusive of the production, dissemination, advertisement, receipt, and possession of child pornography. Forensic Examiners conduct both on-scene and centralized forensic examinations of computers, phones, and other digital media collected for evidence, all in support of the investigator assigned to investigate the complaint. The Indiana State Police leads the Indiana Internet Crimes Against Children (ICAC) Task Force, which has over 50 affiliate criminal justice agencies throughout Indiana. Crimes Against Children Unit detectives are also trained as Digital Media Recovery

NATIONAL TROOPER

NATIONAL TROOPERS COALITION
Specialists (DMRS). This allows them to conduct forensically sound previews of computers, phones, and digital media with the support of examiners assigned to the Cyber Crime Unit.

Troopers interested in this type of work proactively seek out these highly-skilled, highly-trained, highly-competitive positions, and ultimately pass rigorous testing and interview phases before being selected. Once assigned to a unit, the officers will undergo many weeks of training in computer forensics, online investigations, interviewing child victims, those who offend against children, and other skill areas. This training is conducted in Indiana and locations across the United States that offer the most up to date training for these types of criminal acts.

Those assigned to the Cyber Crimes Unit are issued state-of-the-art forensic hardware and software to conduct forensically sound examinations of devices using Windows, Apple, Linux, and other operating systems. Forensic examiners continually train to keep pace with the newest and most advanced releases from hardware and software manufacturers. Also at the disposal of the units is a mobile forensics vehicle in which investigators can conduct on-scene forensic examinations. This allows them to coordinate the investigative process with interviews, searches, and other investigative techniques in a more effective, efficient, and productive manner.

The Department used federal grant funds to purchase the mobile forensic computer lab, which allows certified officers to conduct computer examinations at crime scenes. The department, in cooperation with Purdue University and the National White Collar Crime Center, developed the training and certification program for a tiered approach to computer forensics. This was the first such mobile forensics vehicle and tiered approach by any state, local, or tribal law enforcement agency in the country.

The following statistics were compiled by the respective units for calendar year 2011:

- The five detectives assigned to the Crimes Against Children Unit (CACU) performed 140 digital media recovery examinations, evaluated and assigned 1,276 CyberTips received from the National Center for Missing and Exploited Children, conducted investigations that resulted in 119 individuals being charged in state or federal court and held 50 training sessions for law enforcement and civilian organizations with over 3,200 attendees.

- The six forensic examiners assigned to the Cyber Crimes Unit (CCU) examined 304 computers, 46 loose hard drives, 385 CDs & DVDs, and 159 other pieces of digital media to include thumb drives, cameras, and flash memory cards. They also examined 712 cell phones, previewed 260 hard drives, and previewed 1,173 other forms of media.

Leading these efforts is ISP Lieutenant Chuck Cohen. Lt. Cohen also serves as the Indiana Internet Crimes Against Children (ICAC) Task Force Commander. Supervisors in the field are First Sergeant John Richard and Sergeant Marty Metzger.

The ISP Crimes Against Children Unit was formed in November of 1997 and the Cyber Crime Unit was formed in May of 1998.

Additional questions concerning the Crimes Against Children and Cyber Crimes Units should be directed to Lieutenant Charles Cohen at 317-232-8309 or e-mail at ccohen@isp.in.gov.

To report a crime involving online child enticement or child pornography, people are urged to contact their nearest Indiana State Police Post or call the Indiana State Police Crime Tip Line at 888-873-1694.

The six forensic examiners assigned to the Cyber Crimes Unit (CCU) examined 304 computers, 46 loose hard drives, 385 CDs & DVDs, and 159 other pieces of digital media to include thumb drives, cameras, and flash memory cards. They also examined 712 cell phones, previewed 260 hard drives, and previewed 1,173 other forms of media.

Leading these efforts is ISP Lieutenant Chuck Cohen. Lt. Cohen also serves as the Indiana Internet Crimes Against Children (ICAC) Task Force Commander. Supervisors in the field are First Sergeant John Richard and Sergeant Marty Metzger.

The ISP Crimes Against Children Unit was formed in November of 1997 and the Cyber Crime Unit was formed in May of 1998.

Additional questions concerning the Crimes Against Children and Cyber Crimes Units should be directed to Lieutenant Charles Cohen at 317-232-8309 or e-mail at ccohen@isp.in.gov.

To report a crime involving online child enticement or child pornography, people are urged to contact their nearest Indiana State Police Post or call the Indiana State Police Crime Tip Line at 888-873-1694.

The following statistics were compiled by the respective units for calendar year 2011:

- The five detectives assigned to the Crimes Against Children Unit (CACU) performed 140 digital media recovery examinations, evaluated and assigned 1,276 CyberTips received from the National Center for Missing and Exploited Children, conducted investigations that resulted in 119 individuals being charged in state or federal court and held 50 training sessions for law enforcement and civilian organizations with over 3,200 attendees.

- The six forensic examiners assigned to the Cyber Crimes Unit (CCU) examined 304 computers, 46 loose hard drives, 385 CDs & DVDs, and 159 other pieces of digital media to include thumb drives, cameras, and flash memory cards. They also examined 712 cell phones, previewed 260 hard drives, and previewed 1,173 other forms of media.

Leading these efforts is ISP Lieutenant Chuck Cohen. Lt. Cohen also serves as the Indiana Internet Crimes Against Children (ICAC) Task Force Commander. Supervisors in the field are First Sergeant John Richard and Sergeant Marty Metzger.

The ISP Crimes Against Children Unit was formed in November of 1997 and the Cyber Crime Unit was formed in May of 1998.

Additional questions concerning the Crimes Against Children and Cyber Crimes Units should be directed to Lieutenant Charles Cohen at 317-232-8309 or e-mail at ccohen@isp.in.gov.

To report a crime involving online child enticement or child pornography, people are urged to contact their nearest Indiana State Police Post or call the Indiana State Police Crime Tip Line at 888-873-1694.

By Sergeant John Bowling,
Public Information/Recruiting Office

When Ray said he would like some hunting stories this month, I thought this would be a good opportunity to give you some insight into what a lot of us troopers do with our time off, and include a couple pictures. People often tell me they wouldn’t want my job. It’s true we have to deal with a lot of tragedy and crazy situations that can cause stress.

But I truly believe this is the greatest job in the world. I couldn’t imagine a better way to have spent the last 22 years. With this job you know when you go home at the end of the day you’ve made a difference. It may have been someone you helped at a car crash, or maybe simply changing a tire for a mom and teenage son on their way to visit a college. Either way you have influenced someone’s life. It is a great honor for us to serve you and it’s something I look forward to everyday.

That being said this job can also be stressful. We see a lot of tragedy,
sacred violence and death. We have to be counselors settling disputes amongst arguing neighbors and spouses. We are usually dealing with people who don’t want us there. There is always the danger that goes with every traffic stop we do, whether it’s someone trying to hurt us or the possibility of getting run over or hit as we sit on the side of the road.

All the men and women who do this job will tell you that’s why it’s important to have hobbies that get you away from it all. I think that is why most of the troops I know hunt and fish. I can think of no better way than to get out in the deer woods, put the phone on silent and get away from it all. I think that is why most of us or the possibility of getting run over or hit as we sit on the side of the road.

All the men and women who do this job will tell you that’s why it’s important to have hobbies that get you away from it all. I think that is why most of the troops I know hunt and fish. I can think of no better way than to get out in the deer woods, put the phone on silent and get away from it all.

I’ve included a picture of a beautiful buck that was harvested by State Police Captain Mike Eslinger. He harvested the buck, (that weighed over 230 pounds,) at 25 yards with his Mathews Bow, in Sullivan County, on October 29th as it chased a group of does.

Also included is a picture of Sergeant Todd Wallace (on the right) and Sergeant Chris Barr (on the left) with a Henry County deer Wallace harvested on October 26th this year with his Mathews bow. I was able to harvest a nice eight point with a bow on November 3rd as it chased does in Wayne County.

I personally love being in the woods. Like my job, every time I go out I see something different. Along with hunting in our beautiful state, I’ve also been blessed to hunt in northeast Missouri with my childhood friend Pastor Dan Hite for the last twelve years.

Without a doubt there are more bucks, and more big bucks in Missouri than any other state in which I’ve ever hunted. That’s why hunters like me come from all over the country pouring money into their economy just to hunt whitetails.

I’ve met hunters (a lot of them policemen) from Texas, Tennessee, Ohio, Indiana, Michigan and even Alaska who go to Missouri to hunt whitetails. The small farming communities out there depend on the hunters for a large part of their economy each year.

We were blessed with a cold, windy morning my first day out. The temperature was at 23 degrees with high winds, but I was able to harvest a ten point that weighed well over 200 pounds. My buddy Dan took a doe and nice ten point buck the next day. It was another year I left Missouri with some great memories and knowing I got my money’s worth out of their $250 out of state tag.

METH LABS IN INDIANA - NUMBERS CONTINUE TO RISE

Recently on the news I saw a video of a mobile meth lab exploding in a huge fireball in a van in Michigan. It serves as a reminder of how explosive and dangerous meth labs can be. As we get our monthly Meth lab reports, Madison County continues to lead the state with Delaware County quickly rising in the rankings in the number of labs found and dismantled.

Meth Suppression Units have found and have assisted other agencies with a soaring number of trash labs, or labs left in coolers, back packs or out in the open along the side of the road, or in woods and vacant lots. After blowing up a house or vehicle, cooks have resorted to outside labs in some instances.

The Indiana State Police Meth Suppression Section wants to remind citizens that these labs and trash may contain chemicals that are toxic, flammable, corrosive, and acidic. Signs to look for Meth manufacturing are a strong ammonia smell, or a solvent smell like an auto body shop. The fumes are toxic and can cause internal damage to organs. Below are more items to watch for that are used in the manufacturing of Methamphetamine:

- Look for air line type rubber tubing, ether or camp fuel cans, plastic or glass bottles, Pseudoephedrine packages and lithium battery casings. The chemicals when mixed together are highly explosive and fumes are toxic to breath.
- Other Items to be aware of include Ziploc style bags, empty blister packs, and plastic or glass containers (pop-bottles, jars, etc.) that contain a granular material. They may or may not have a tube extending out of the top depending on whether it is a hydrochloric gas generator (HCL) or a one pot reaction. Both of these are extremely hazardous.

- Be aware of any type of small tank (like a propane tank), found in an odd place (middle of a field, ditch line, wooded area) that has a modified valve. The valve will typically be modified in some way and will have a bright blue or green color to it. These cylinders are used to store or transport anhydrous ammonia, which is an extremely dangerous gas when direct contact or inhalation has occurred.

Often times Meth Labs are found as a result of an anonymous tip from a neighbor or friend. If you think you’ve found a meth lab or have information about illegal drug use call the Pendleton Post at 1-800-527-4752, or the Indiana State Police Drug Tip Line at 1-800-453-4756. Tips can be made and kept anonymous. The Indiana Meth Investigation System or IMIS, can also take tips on meth labs. Just go to www.meth.in.gov and click on the “Report Suspected Meth Activity” Link.
Today there are over 800,000 men and women serving more than 15,500 law enforcement agencies across the United States. Amongst this vast array are the 50 State law enforcement agencies for which being appointed to lead is often the pinnacle of a professional officer’s career.

In Indiana, on January 14, 2013, U.S. Congressman Mike Pence [R] took the oath of office to become Indiana’s 50th Governor. That same afternoon Douglas G. Carter, Governor Pence’s selection to lead the Indiana State Police, was sworn in by Indiana Supreme Court Chief Justice Brent Dickson. Superintendent Carter is the 20th superintendent of the Indiana State Police, which will be celebrating its 80th year of existence in 2013.

Prior to his appointment as superintendent, Superintendent Carter had previously served 18 years with the state police from July of 1984 until December of 2002. He left the state police as a result of his successful campaign to be Sheriff of Hamilton County, Indiana, a metropolitan county immediately north of Indianapolis. Supt. Carter served two four year terms as Sheriff from 2003 until 2010. After leaving the Sheriff’s office, due to term limits, he accepted a position with RQA W Corporation, an architectural firm in Hamilton County, Indiana.

Superintendent Carter and I had a chance to talk about his past and plans for the future as the leader of the Indiana State Police:

Capt. Bursten: I have to ask you this question first; when the official offer to become the state police superintendent was made, who called to tell you and whom did you call first to tell the news?

Supt. Carter: I did receive the call directly from Governor Pence. When he called I was immersed in a project and didn’t even look at my phone when it rang. The voice on the other end said “Doug, Mike Pence”. Governor Pence is one of the kindest and sincerest people I have ever known and the next thing I knew he was asking me about my wife and daughter, who was recently accepted to Indiana University. Frankly, the conversation was, and will always be, a bit of a blur and after several minutes he simply said he wanted me to be the Superintendent of the Indiana State Police. I can tell you there was a period of silence as I processed what he said before I accepted. It was the most surreal period of time in my life, because, while I was interviewed several weeks prior to his offer, I never even dreamt I would actually be considered the guy to lead an agency in which both my father and I spent the majority of our adult lives.

Now, as for who I told first [about the appointment] it was my wife followed by a call to my father, who was truly overjoyed.

Capt. Bursten: Speaking of your father, I know he retired from the state police. Do you mind telling us a little more about your father?

Supt. Carter: My father, Marv Carter, began his state police career in 1962 and retired in 1985 after he and I worked a Notre Dame Football game together. We had always talked about working a game together and that day was awesome as I stood next to him on the sidelines. My dad had a huge influence on my life and I had decided at a very young age I would either follow in my father’s footsteps or would become an attorney. Some of my earliest childhood memories were riding with him while he was assigned to the Dunes Park State Police Post. I spent many nights as a young boy asleep at the post on those long midnight post commands, leafing through crime scene or crash photos or interacting with other troopers working alongside my dad. He was the consummate professional and loved the state police. He was the neighborhood policeman and set an unselfish standard while I was just a little guy. He would always be available for those in our community, gave way more of himself than he could get in return in several lifetimes and sacrificed his
family time for others. Commitment, dedication, honor and unselfishness were the cornerstones of his life and he expected no less of me. I spent many nights dreaming of having my own car, wearing the uniform that of which he is so proud and at best doing a part of what he did. Needless to say, I am very proud of him and all he accomplished during his career.

Capt. Bursten: Looking back on your initial career with the state police, what stands out in your mind?

Supt. Carter: I experienced many significant events in my state police career, but the most important were those events involving human interaction. Like many others, I have seen my share of death, dying, destruction, hurt, pain and sorrow. During those times the best in human empathy and understanding is ever-present. Even today, when I see families that I helped in some small way during their darkest days they greet me with a smile, handshake or hug. I hope that I somehow said or did something that may have brought some peace, understanding or solace.

Capt. Bursten: You left your state police career after being elected Sheriff of Hamilton County, Indiana. During your time as Sheriff the county was, according to the last national census, the 18th fastest-growing county of more than 3,000 counties nationwide. What led to the decision to run for Sheriff?

Supt. Carter: I served as the Hamilton County Sheriff from January 2003 through December 2010. I never would have had the opportunity or have been successful without my state police experiences in Hamilton County. I really enjoyed the county [as a state police officer] and never aspired to get promoted because I would have had to leave. The county and its people became a part of who I was and even who I am today. When the opportunity was presented to run for Sheriff I was a bit taken back and not really sure what to do. Through considerable prayerful thought with my family we decided to go after it and we won. It was a terrific experience and one I will carry with me always. I was able to represent a tremendous group of dedicated employees in a county that I came to respect, appreciate and serve at a time of unprecedented growth.

Capt. Bursten: What were your biggest challenges being Sheriff of a rapidly growing metropolitan county?

Supt. Carter: The challenges were immense in regards to staffing, budgets, managing an 80 million dollar capital campaign, jail population, 911 emergency communication consolidations and simply just learning a new agency. I was completely committed to the office and always tried to be the first person to arrive in the morning and the last to leave. The learning curve was huge and required a complete commitment. Fortunately, my wife and daughter were incredibly supportive because I was seldom home, but again, our chosen profession requires to give of ourselves without any expectation of a return as I learned from the core values my father instilled early in my life.

Capt. Bursten: For people not familiar with how affluent Hamilton County, Indiana is, what challenges did you face serving both ends of the economic spectrums?

Supt. Carter: I always strived to treat everyone the same no matter what their economic situation was. I do not think I got too caught up in the perceived affluence that Hamilton County is known by. I tried very hard to not let politics get past the threshold of my office door and just treated people with respect and honesty.

Capt. Bursten: With Indiana law limiting sheriff terms to two consecutive terms you had to leave office in 2010; on what path did your career take you?

Supt. Carter: When I left the Sheriff’s Office at the end of 2010 my main priority was to be a better dad and husband. My family sacrificed so much that I wanted to immerse myself in their lives. My daughter was 7 when I was elected and turned 16 when I left office. I should have been a better dad, but I was simply not home. My wife did a great job and we are very pleased to have an amazing daughter who has made us very proud.
There were several options for employment, but I chose to go to work for the RQAW Corporation. They specialize in architectural solutions for local municipalities and they welcomed me with open arms. The firm is known throughout the Midwest as the premier public safety/justice firm that plans, builds and manages projects such as: jails, police stations, fire stations and justice buildings. I was fortunate to meet many folks from local municipalities all over the state of Indiana. I was home most evenings, my phone seldom rang after hours, home on the weekends and finally think I was a better dad and husband.

Capt. Bursten: Looking back on your law enforcement career, who or what has most significantly influenced your career.

Supt. Carter: Aside from my father my career was most influenced by the people I served, both internally and externally. I strive to do the right thing every time even if the right thing is not popular. I try to reflect on every day as it comes to an end and if there is unfinished business it becomes the first priority the next day, especially if the business involves people. I will always treat people respectfully, with empathy and fairly.

Capt. Bursten: We had a chance to speak several days after you accepted the offer to be the next Superintendent and you mentioned to me your appointment was 'coming home'; what are you most looking forward to being part of the Indiana State Police again?

Supt. Carter: The Indiana State Police is where I cut my law enforcement teeth and, as I’ve mentioned, I’ve been very blessed through my public service and private careers. So now, with the experience of being a Sheriff and looking at public safety issues from the private sector side, to have the opportunity to serve as the leader of the agency where I started is, in a true sense, just like coming home. Each superintendent – and troopers as well – who served before me has worked to enhance the service provided by the state police and I will endeavor to do the same.

The changes in law enforcement have been significant since I started my career, inclusive of computers in police vehicles, upgraded and more unified communication systems, advances in investigative technology – especially DNA – and databases to track criminals anywhere in the nation. But one factor has remained constant and that’s the human factor; meaning it’s people that commit crimes and it’s people in law enforcement who track down these criminals.

I know one of my biggest concerns, over which I’ll have the least impact, will be financial in nature. I’ve never met the head of any police agency who said “Yes, I have all the manpower and resources I need.” But the simple fact is financial resources are finite. So I expect to use the skills I’ve developed over the past three decades to maximize the return of the financial resources made available to the state police. Putting the financial side of the equation to the side, the one factor I will have the most control over is the human factor of the civilian and police staff who made the Indiana State Police what it is today. It will be a primary priority that members of the state police will serve with respect and diligence without placing ourselves in unnecessary jeopardy of the criminal element of our society.

Now, as for my immediate first actions as superintendent of the state police I do have a 100 day plan that is too detailed to go into for this article; but among the first things I’ll be doing is reaching out to all the ranks, and our civilian professionals, to see what they feel are our best attributes to build upon and, more importantly, where can we improve or change for the better of the public we serve each day.

Capt. Bursten: Do you have any closing thoughts you’d like to share?

Supt. Carter: Looking back I think I made the right choice as I’ve always been very proud of my chosen profession even though I NEVER thought I could truly reach the pinnacle of law enforcement in Indiana by being chosen to lead the state police. The agency is so steeped in tradition and I will do anything within my power to make those who went before me and those currently here proud as well as continuing to make it a police agency others aspire to join.

Simply put, my goal will be to build upon the proud legacy that is the Indiana State Police and I know I’ll have the help of over 1,600 members of the state police to keep us moving forward in service and innovation with the guiding principles of Integrity, Loyalty and Community.

About the author: David R. Bursten is a 34 year veteran of law enforcement, of which 29 has been with the Indiana State Police where he holds the rank of Captain and serves as the commander of the Public Information Office. He may be contacted at dbursten@isp.in.gov.
Never Cut the Cables
(Unless It Is a Life or Death Situation)

By Mark Christesen, Master Trooper

On April 16, 2011 at 1529 hours, the Shutt family in Eudora, Kan. lost their 5-year-old son Cainan in a traffic crash on K-10 highway. Cainan’s grandfather, Danny Basel was driving a 2008 Dodge van along with Cainan’s grandmother and sister as passengers. Basel was westbound on K-10 a few hundred yards from his exit into Eudora when another vehicle crossed the center grass median and struck his van. The driver of the other vehicle was Ryan Pittman. Ryan was not wearing his seatbelt and was killed on impact. Basel and his wife were restrained by seatbelts, and Cainan and his sister by child restraints. Cainan was transported, but later passed away. Ryan’s toxicology report tested positive for a therapeutic level of methadone, an elevated level of tramadol, and active components of marijuana.

This crash started the wheels in motion to get some type of barrier system in place to prevent cross over collisions from happening in the future. According to KDOT’s most recent numbers from 2006-2010, there were a total of 16 collisions and five fatalities. (I was unable to obtain numbers for the second half of 2010, 2011, and 2012). It is obvious that this was too many deaths and something needed to be done. There were two questions that came up – what could be done in a timely manner? And, what could the state afford?

In July 2012, a cable system was approved to be installed on K-10 in Douglas and Johnson Counties. The cables were installed on a 2.3-mile stretch near Eudora and a 2-mile stretch near the intersection of K-10 and K-7 Highway in Johnson County. The construction started in mid-August, and was completed in late November. In

The finished cable is now functional on K-10 in two locations.

The anchor points shown above are eight feet in the ground. To loosen the cables, the skinny steel rod slides out and using a pry bar the cables pop out of the bracket.
Typically, there is very little tangle of the cables after a crash, but if it does occur it is usually wrapped around the bumper or in the wheel well. In either case, a pry bar or a tow truck is able to remove the vehicle safely. The main point that Capt. Schneider relayed to me was to NEVER CUT THE CABLES unless it is a life or death situation. If a cable is cut, and since it is at high tension, it can whip back and cause injury or death. If cutting the cable needs to be done, it should be done at a turnbuckle or released from the anchor points.

When I heard that cables were going to be installed along K-10, I thought it was a joke and a waste of money. My first thought was of the cables along I-70 in Missouri. Boy, was I wrong. These are completely different. The cables in Missouri are low tension cables, and the posts are secured to the ground, similar to a guardrail. The High Tension Cables act as a shock absorber. When the vehicle hits the cables, the cables stretch and absorb the impact. Not only does this keep the vehicle from crossing over, it keeps the vehicle from bouncing back across traffic. The posts break away and the cables bring the vehicle to a stop. The cables are designed for passenger cars and trucks, but they also have been shown to stop loaded semi-trucks. The injury rates of cables versus a concrete wall show the effectiveness. There is a 16 percent chance of injury with cables versus a 40 percent chance when impacting a concrete median wall. Eight percent of auto fatalities are due to an impact with a concrete wall and less than one percent are due to cable barriers.

After a crash, the repair time is very simple and fast. In fact, in most cases it would take longer for the repair crews to drive to the scene than to repair it. The cables rarely need to be replaced so most of the time the repair consists of replacing the posts. In most cases, five posts can be replaced in about eight minutes.

Overall, after learning about this type of cable barrier, I am very impressed. It is long overdue to have some type of cross over barrier system in place on K-10. I am happy that this has finally happened; it is just too bad it took the death of a 5-year-old boy to get this started.

New Ford Police Interceptor Utility Vehicles Hit the Turnpike

By Chris Hammond, Master Trooper, K-266

On August 24, 2012, the Kansas Turnpike (Troop G Troopers) embarked on a new era when it unleashed the first Ford Police Interceptor Utility vehicle on the Turnpike. Since the Ford Crown Victoria has been phased out, the Highway Patrol division on the Turnpike had to make a decision as far as what vehicle it would issue to its 51 uniformed road troopers and supervisors. Like all other agencies, the Turnpike looked at all the different features, which included durability, room, handling, and safety. It was important to have a vehicle that could handle the day-to-day work that those of us who work on the turnpike perform. After looking at all the different options, the Turnpike decided to go with the Ford Police Interceptor Utility vehicle.

This vehicle may look like a typical sport utility vehicle, but don’t be fooled.
This vehicle is purpose-built for law enforcement. This version is outfitted with heavy-duty brakes, along with a more advanced cooling system and electrical system to withstand the harsh punishment through which we put our patrol cars.

During my career with the Patrol, I have driven both the Crown Victoria and the Dodge Charger. The Crown Victoria was a work horse or even a tank of a car. The only complaint I had was the seat and the speed. When I got the Charger, I was impressed by the speed and quickness, but I quickly realized that I had to really condense my equipment. When I picked up my Ford utility vehicle, I realized that I had a lot more room for equipment, it was a lot easier to get in and out, and the speed was somewhere in between the CV and the Charger.

When comparing the utility vehicle to the Crown Victoria, there are a lot of differences. The SUV is a few inches shorter in length, which is great for anyone with a garage. The entry and exit from the vehicle is a lot easier and is almost like getting into a mid-size truck. The days of getting in a car and sitting down in a hole are over. The interior head room increased from 39.5 to 41.4 inches, so getting in and out with our hats on is a lot easier as well. The seating is greatly improved from the Crown Victoria, which will hopefully help ease the back troubles that some of us have from sitting for several hours a day. As far as the speed and performance, I can say that I had mine topped out at 133 mph [chasing down a vehicle of course]. The 300 horsepower 3.7 liter V-6 engine in the utility vehicle is more responsive than the 250 horsepower 4.6 liter V-8 that was standard issue in the Crown Victoria. As of right now the currently issued utility vehicles are not available with the twin-turbo EcoBoost engine, however, it is rumored that it may be available in the late 2014-2015 models. The utility vehicle also comes with a 6-speed transmission compared to the 4-speed that was in the Crown Victoria. The utility vehicle is rumored to perform well in all kinds of conditions, but as of now I have only worked in heavy downpours and dry conditions, so we will see what a Kansas winter has in store for this all-wheel drive vehicle.

Ford has also introduced some really cool safety features on this vehicle. The Ford utility vehicle has both driver and passenger side airbags, as well as side curtain airbags. This vehicle is also manufactured to withstand up to a 75 mph rear impact, which is a plus since every year several law enforcement officers are involved in rear-end collisions while performing traffic stops. This vehicle also has the SYNC system, which you can pair with your electrical devices and use for hands-free calling.

The Turnpike models have the standard light bar on top, as well as red and blue LED lights in the front bumper replacing the fog lamps. I have noticed that more cars move over in advance when I come up behind them with the emergency lights on. Before in the Crown Victoria, you could get right on their bumper before they would notice you. I think this is mainly due to the high profile of the utility vehicle. Another feature is the emergency lights on the rear hatch so when you raise the hatch, and it covers your light bar, the light in the hatch comes on and gives you some red and blue lighting.

One of the cool things about getting a new car that is not usually recognized as a police vehicle is the fun you have when people come up behind you quickly or even pass you before noticing that you are a State Trooper. However, on a funny note, my first morning of patrolling I responded to a roll over crash and as I went through the toll gate, I overheard the toll collector telling dispatch that an EMS vehicle just got on running 10-39. I guess she thought I was an EMS director or something. So I had to laugh a little and then later go back and show her my new ride, so she knew we had a new vehicle on the Turnpike.
During the 2012 Legislative Session, a resolution to honor Trooper Bobby Smith was passed in both the Senate and the House commending him for his extraordinary achievements as a law enforcement officer, author, public speaker and citizen; an honor that Smith would have never imagined twenty six years ago.

Bobby Smith had been a law enforcement officer in Louisiana for nine years, when on the night of March 14, 1986, at point blank range, he was shot in the face & blinded by an armed, violent drug offender. He recalls lying face down on the center lane of the highway, soaked in blood, and thinking, "Will this be the day that I die?" But Bobby chose to not give up; he chose not to die that day; he chose to live.

Life from that day on, however, would not be the same. The days, weeks, and even years following the trauma were filled with many fears about his future, daily struggles adjusting to blindness, and financial hardships. The losses were staggering: eyesight, career, self-confidence, independence, and marriage. Then tragically, in 1997, Bobby’s daughter, Kim, was killed at 22 years old in an automobile accident.

The tragedy continued for Bobby when his son, Brad, passed away ten days after his twentieth birthday.

The shooting, the blindness, the loss of his beloved son and daughter, all made Bobby realize that what he wanted to do was help others who were also going through traumatic times. He did not want them to suffer alone. He wanted to bring them hope.

In 2008, shortly after Colonel Michael Edmonson was appointed Superintendent of the Louisiana State Police, he welcomed Bobby back into the state police family by pinning Bobby’s badge back on his uniform. Since Bobby’s return to the state police, he picked up where he left off by improving trooper’s lives. He currently works at Headquarters in Baton Rouge and oversees the Troopers Assistance and Chaplaincy Program for the department. Bobby has dedicated his life to the training and peer counseling of law enforcement officers.

Today, Bobby continues to do just that. He is the author of two books, Visions of Courage, the Bobby Smith Story and his newest one, The Will to Survive, published in January 2005. Each year he averages 120 speaking engagements, impacting audiences’ lives with his story. Since 1995 it has been his privilege to speak to over a million people worldwide.

Bobby currently resides in Baton Rouge and is looking forward to the opening of his counseling center, The FORTE Foundation. Bobby created the Forte Foundation for Louisiana’s Law Enforcement Officers and their families to provide training and counseling services. The program is designed to focus on the aftermath of trauma and dealing with post-traumatic stress.

Ironically, the losses in Bobby’s life have been his catalyst, driving him to discover the true vision for his life. But his life is not defined by the losses that he has endured and triumphed over. His defining moment, and ours, comes every morning when we rise, face the challenges of the day, and decide that today we choose to live.

http://visionsofcourage.com/
DON’T MISS THE 2013 BASS BOAT!

FOR IMMEDIATE RELEASE
Contact: Makinya Ward at 650-572-4339

Something Fishy about California Casualty Contest for Firefighter, EMT and Law Enforcement Professionals?

San Mateo, CA, February 12, 2013... There’s definitely something fishy going on – and that’s a good thing for one lucky public safety employee who will “reel in a perfect catch” if selected as winner of the latest California Casualty giveaway.

Today California Casualty launched another of its “Work Hard, Play Hard” contests that honors and rewards an “everyday American hero” – this time with a bass boat or $10,000 equivalent cash option.

The contest runs today through July 12, 2013 and is open to all firefighters, volunteer firefighters, peace officers and EMTs across the country except for those residing in HI, MA, MI, NC, NY and WI. One entry per person can be made at www.go.calcas.com/bassboat. Some restrictions apply; review the rules online. One winner will be randomly selected on or about July 15, 2013 and notified shortly thereafter.

California Casualty has previously acknowledged the dedicated work of public safety professionals with contest prizes that include a Harley Davidson, Polaris ATV and SeaDoo personal watercraft. The company also sponsored a Firehouse Makeover contest last year.

“These are indeed everyday American heroes,” said Mike McCormick, Vice President Group & Internet Marketing for California Casualty. “They work hard and they deserve to play hard. We’re excited to give one of them a bass boat.”

Headquartered in San Mateo, CA, with Service Centers in Arizona, Colorado and Kansas, California Casualty is a 99-year old company providing auto and home insurance for educators, law enforcement, firefighters and nurses in 44 states. Learn more at www.calcas.com. For more information about the Work Hard, Play Hard bass boat contest, contact Makinya Ward at 650-572-4339.

CALIFORNIA CASUALTY AUTO AND HOME INSURANCE PROGRAM FOR NTC

To NTC State Members:
The National Troopers Coalition is proud to partner with California Casualty in offering your state association a great new member benefit program: auto and home insurance specifically created for peace offers.

Many of the Western State NTC affiliates currently offer California Casualty for their members and that’s why we recently endorsed this auto and home insurance program. If your state association is not already working with California Casualty, NTC would like to encourage you to take a look at this valuable member benefit.

In business nearly a century and serving law enforcement officers and their families for more than 40 years, California Casualty offers high-quality, low-cost insurance coverage. Their exclusive benefits are customized for peace officers – benefits not available to the general public or from other carriers at any price.

California Casualty offers competitive rates and unique benefits – such as $500 personal property coverage for items stolen from your vehicle, locked or not, including public safety gear. Other special features, like their Fallen Officer Survivor Benefit, protect your family should the worst happen in the line of duty.

California Casualty provides a customized member benefit and a dedicated, on-the-ground partner to help your association reach its goals. To learn more about partnering with California Casualty, call Roxanne Dean at [866] 336-3339 or email at rdean@calcas.com.

For references, the following NTC State Associations endorse California Casualty:
Associated Highway Patrolmen of Arizona – Since 1988
California Association of Highway Patrolmen – Since 1974
Nevada Department of Public Safety Association/PORAN – Since 2011
Oregon State Police Association – Since 2009
Washington State Patrol Troopers Association – Since 2006
California Casualty also just signed on the Kansas State Troopers Association! Yea! So you can add that group to the above list for 2012.

Fraternally, Dennis Hallion,
Executive Director, NTC
We’re Better, Together — Adding Greater Value to Your State Association.

*NTC endorses California Casualty’s Auto and Home Group Insurance Plans.*

California Casualty has over 40 years of experience with a long-standing commitment to lowering the cost of quality auto and home insurance for law enforcement officers across the country. California Casualty’s plan offers benefits tailored just for Highway Patrol, Troopers, State Police and other Law Enforcement Professionals—at no extra cost.

Here are a few unique auto and home group plan benefits not available from other carriers at any price:

- Special Association Group Rates and Generous Discounts
- $500 Personal Property Coverage
- Vehicle Vandalism and Collision Reduced Deductible Benefit
- Fallen Officer Survivor Benefit
- FREE ID Defense

To learn more about partnering with California Casualty for your association members, please contact Roxanne Dean at 1-866-336-3339

www.CalCas.com
Louisiana, cont.

New Orleans Conference
September 5th, 6th, and 7th
Louisiana, cont.
Louisiana, cont.
Louisiana, cont.
Louisiana, cont.
As I sit at my computer writing this article, it causes me to pause and to think about who could have envisioned the advances in technology that have occurred over the last two decades. When the Aviation Command upgraded from the single engine Bell Jet Ranger helicopter to the twin engine Aerospatiale Dauphin helicopter in the late 1980’s, the move was significant and demanding on the personnel to learn how to maintain and operate the new helicopters. For nearly 25 years, the Dauphin became an iconic symbol of the Aviation Command. The distinctive paint scheme with a Maryland flag draped tail immediately got your attention that it was a Maryland State Police helicopter. But even without seeing it, when you heard the distinctive whine from the tail finestron, you knew it was a Trooper helicopter. The Dauphin has served us well in service to our citizens of Maryland. We now take the next step with the aircraft that will take us through the next twenty years.

On October 20, 2010, the Maryland Board of Public Works approved the contract to purchase up to 12 AW139 helicopters from Agusta Westland Philadelphia Corporation after a lengthy 4 years of a specification and procurement process. The procurement process was managed by the Maryland Department of Transportation working in concert with the Maryland State Police Aviation Command. The Maryland Board of Public Works approved the contract to purchase up to 12 AW139 helicopters from Agusta Westland Philadelphia Corporation after a lengthy 4 years of a specification and procurement process. The procurement process was managed by the Maryland Department of Transportation working in concert with the Maryland State Police Aviation Command. The Maryland

Pictured is Governor O’Malley with the family of TFC Mickey Lippy who died in the tragic crash of Trooper 2. At TFC Lippy’s funeral, Mrs. Wilma Lippy, (far right), asked for new helicopters for the Aviation Command. On October 5 her wish became a reality in the unveiling of the new Agusta Westland AW139. Mrs. Lippy has been an advocate of the Aviation Command and through her commitment and dedication, as she honors the memory of her son.

Governor O’Malley and Colonel Brown with the Aviation Technical Team and Maryland Department of Transportation leadership who worked together for procurement of the AW 139.
Department of Transportation was committed to the integrity of the process and ensuring that a state of the art aircraft was procured to meet the mission of the Aviation Command. However, such efforts do not happen in a vacuum. Governor O'Malley took the lead in the support of the acquisition of new helicopters. He along with the Maryland Board of Public Works, Maryland General Assembly, House EMS Workgroup, EMS Board, M.I.E.M.S.S., State Fireman’s Association, Shock Trauma Center, Maryland Fire and Rescue Institute, and other EMS partners came together to make the acquisition a reality even during these difficult economic times.

As the Aviation Command awaits the delivery of the first six FAA certified helicopters scheduled to arrive shortly after January 1, 2013, the Pilots, Trooper Flight Paramedics, and Maintenance Technicians of the Aviation Command are training to fly, operate mission equipment, and maintain the new helicopters. The enhanced capabilities of the AW139 require the crews to learn the technology of the multi-mission helicopter to its maximum operational capability. Some of those capabilities include:

- Glass cockpit with night vision goggle certification
- Two Pratt Whitney PT67C – 1100 shaft horsepower each
- 14991 pound gross weight capability
- Medical interior designed to Aviation Command specifications
- Enhanced 4 axis auto pilot with auto hover and search and rescue patterns
- Nose mounted Wescam MX15I color camera and infrared
- Down linking capability of camera images to include on-board recorder
- Traaka search light with colored and IR filters to include synchronization with Wescam
- Satellite weather, texting, flight following
- On board weather radar
- Health Usage Monitoring System HUMMS – Maintenance computer tracking aircraft airworthiness based on vibrations and aircraft limitations
- Goodrich rescue hoist with 600 pound capability – with hoist operator aircraft drift control
- Cabin tactical station to manage law enforcement missions with search light and camera controls, street level mapping system, and a 17 inch flat panel display
- Fast roping system with numerous 660 lb. capacity attachments on both sides of helicopter
- Cockpit lipstick camera and voice recorder
- Forward facing tail camera
- Wire cutter
- Safety and crash worthiness capabilities

After the delivery of the helicopters, mission training will commence to include the training of our EMS partners on the ground and at the hospital facilities. While there is a sense of anticipation on the arrival of the AW139, they will only become operational consis-
On November 1, 2012, at approximately 1040 hours, Trooper Joseph Dejong stopped a small red passenger car with Minnesota plates that was travelling west on US Highway 87, just east of the town of Stanford, for speeding 86 mph in a 70 mph zone.

Trooper Dejong immediately turned on this vehicle after it went past. This vehicle did not immediately pull over. Trooper Dejong contacted MHP dispatch via the Highwood radio to inform dispatch of the stop and the license plate of the vehicle.

When the vehicle stopped, Trooper Dejong performed a passenger side approach to the vehicle. The lone male occupant informed Trooper Dejong that he was travelling from Virginia to the "Dakotas to look for work in the oilfield." Trooper Dejong asked the driver if he knew where he was and the driver stated, "Montana." The driver stated, "Oh, did I miss the Dakotas?" The vehicle had a lived in look, and Trooper Dejong was thinking this could be an interdiction stop. Trooper Dejong took the subject’s driver license and papers back to his patrol car.

As Trooper Dejong was walking back to his patrol car, his cell phone rang. It was MHP dispatch calling him on his cellular phone to inform him the plates on the vehicle had come back as having been stolen. Trooper Dejong gave MHP dispatch the driver’s information, and multiple felony hits came back, which include attempted capital murder charge in Virginia. Trooper Dejong requested Triple III and EPIC check and also requested MHP dispatch to contact Trooper Goodemoot to come to his location, all via the cellular phone. Trooper Dejong knew Trooper Goodemoot was the closest MHP trooper, as they had just met and visited at the Judith Basin County Sheriff’s Office in Stanford. Trooper Dejong also contacted JBCO dispatch via his radio and asked for the JBCO Sheriff to come to his location, although Trooper Dejong did not state to JBCO dispatch why he wanted the Sheriff there. Both the Sheriff and his Undersheriff were approximately 15-20 minutes away from Trooper Dejong’s location.

After about ten minutes of Trooper Dejong waiting for backup to arrive, the driver of the car abruptly drove away and began travelling at 60 MPH while failing to yield to lights and siren. At the east edge of Stanford, approximately 2 miles into the pursuit, the driver threw out a pipe bomb that exploded as it rolled to the edge of the road.

Meanwhile, Trooper Goodemoot was preparing to set up a spike strip west of Stanford.

However, the driver turned north onto a gravel road prior to getting to the spike strips and Trooper Goodemoot’s location. Trooper Goodemoot caught up to the pursuit on the gravel road.

Trooper Dejong requested air support, along with other officers for assistance.

The driver slowed at an intersection to a private lane, and there was a private, unoccupied vehicle parked at this intersection. The driver made a u-turn and faced the oncoming two troopers. Trooper Dejong stepped out with his AR-15 rifle, after which the driver stopped, made another u-turn, and continued on the gravel road. It was shortly after this the driver threw out a second pipe bomb. Trooper Dejong

The first bomb as it exploded in front of Trooper Dejong’s patrol car.

The second bomb smoking on the gravel road.

The first bomb as it ignited in front of Trooper Dejong’s patrol car.
saw this pipe bomb and stopped in the road, making sure Trooper Goodemoot also stopped. They both watched the fuse burn, and this bomb had a long fuse. Eventually, the bomb exploded, sending shrapnel and debris flying past their cars with some of the debris striking the patrol cars.

Waiting for this long fuse, the subject was able to get a good lead. Troopers Dejong and Goodemoot continued trying to catch up to the vehicle, but were also tactical in their approach to crest of hills and curves.

Undersheriff Schmitt of Judith Basin County was travelling west on US Highway 87 between Stanford and Geyser, trying to get to the end of the gravel road before the subject did. Schmitt could see the red car travelling fast on the gravel road, approaching the entrance to the highway. Schmitt placed his patrol pickup at an angle to the intersection and stepped out with his patrol rifle. The subject did not stop as he traveled onto US Highway 87 and continued west. The subject ducked down below the window as he drove past Schmitt.

JBCO contacted the Geyser school to go into lockdown. No one answered the phone at the school, so they had to contact a neighbor to go over to the school to have the school go into lockdown.

The subject continued on US Highway 87 past Geyser, with Undersheriff
Schmitt in pursuit. Troopers Dejong and Goodemooit were trying to catch up, with pursuit speeds now close to 100 MPH. The subject threw out three separate bombs at Schmitt, bringing the total to five. One detonated after he went past, and the other two did not detonate at all, as the fuses fell out of the bombs.

Trooper Waddell was enroute from Great Falls to assist when he stopped at milepost 12.7 to set up spike strips. As the subject approached Waddell’s position, the spike strip became entangled with the front tires of Waddell’s patrol car, and he was unable to pull the strip out for the subject’s car to drive over. A truck driver had stopped behind Waddell and had gotten out of his truck. As he was walking near the front of the truck, the subject swerved towards him, although the pedestrian truck driver was able to get out of the way. Waddell threw his unused strips into his patrol car and fell in behind Undersheriff Schmitt, continuing the pursuit.

Cascade County deputies set up spike strips at milepost 1, just prior to Arminngton junction. Possibly one tire of the subject’s vehicle was damaged by the spikes, although the subject continued on. Cascade County pre-staged a deputy at the entrance to Belt by the Arminngton scale, blocking this entrance into Belt.

Trooper Don Lee literally threw his spikes at the vehicle after it passed the Arminngton scale and was successful in spiking the tires.

Undersheriff Schmitt could see several vehicles starting to come down the Belt hill. Schmitt knew there were many police vehicles behind him, but none in front to stop traffic. He surmised this pursuit was about to end, and he was concerned for the safety of the public. Consequently, Schmitt pulled out and passed as the suspect vehicle started up the Belt hill with tires smoking and rubber falling off the rim(s).

As this was happening, the subject threw out his sixth and seventh pipe bombs. One of these bombs went off right next to a Cascade County vehicle and Trooper Don Lee’s patrol car.

The subject turned off to head north on a gravel road near the foot of the Belt hill, which leads into the town of Belt. A Cascade County deputy with a pickup came up behind the subject’s vehicle and bumped the car, causing it to go off the road into a small ravine on the north side of the road.

The subject left the disabled vehicle and fled on foot downhill towards Belt creek armed with a pistol.

Cascade County deputies, Troopers Waddell and Lee, Undersheriff Schmitt (JBCSO), and later Troopers Dejong and Goodemooit surrounded the subject in the creek bottom. Officers were ordering the subject to drop the gun and the subject cried, “My mind is telling me to run, but my body won’t move!”

A Cascade County deputy tried to deploy a Taser, but only one probe struck the subject. During the Taser distraction, a Cascade County deputy was able to tackle the subject to the ground and disarm him. The subject was taken into custody and placed into Trooper Dejong’s patrol car.

Medical was called to check the subject. A Department of Homeland Security helicopter arrived after the subject was in custody. A Malmstrom Air Force Base explosives team was called to the scene, along with agents from the BATF and FBI.

The Great Falls Police Department was set up with a road block east of Great Falls at the railroad overpass near the old Bar-S supper club. Great Falls PD supervisors had informed their officers the subject and vehicle were not to enter the city.

Found in the car after the pursuit was a Remington 870 shotgun with over 50 rounds, an extra loaded magazine for the pistol, multiple license plates from other states, numerous survival gear type items, numerous gift cards the subject was using for fuel and food so his credit card couldn’t be tracked, six full five gallon gas cans, and seven more pipe bombs.

The pipe bombs were made of steel pipe and steel caps. The caps were secured with Teflon plumbing tape, filled with smokeless powder and a mixture of steel ball bearings, sheetrock screws, nuts, and bolts.

The MAFB explosives team was used to secure the vehicle immediately after, and they also retrieved the unexploded bombs by Geyser. US Highway 87 was closed between Stanford and Raynesford until these bombs could be secured.

During a later conversation it was said, “God was watching over these officers during this incident,” and someone else amended the statement to say “God was standing right next to these officers.”
The Boston Marathon is known around the globe as the most prestigious marathon in the world. It is the oldest continuous marathon and the only marathon that requires stringent qualifying time standards to gain entry. On the third Monday each April some of the best marathon runners in the world compete in this historical test of endurance. The field consists of 26,656 participants and hundreds of thousands of spectators line the 26.2 mile route from Hopkinton to Boston.

One can only imagine the logistics required to ensure the Boston Marathon becomes a day to remember for athletes and spectators alike. The Massachusetts State Police has long played an integral part in that mission. In addition, through the enormous work of Lt. Bill Coulter, and I am sure many others, they have long supported the “Military Heroes” program. Through this program, Military Servicemen and Servicewomen of all branches who have recently been deployed to Iraq or Afghanistan (and were therefore unable to qualify for the Boston Marathon) are invited to run with the associated costs and coordination all handled by Massachusetts Troopers. According to Bill, “it is our way of showing these warriors, our appreciation and admiration for their contributions and thanking them for our freedom”. For many years our friends at Massachusetts State Police have extended an invitation to us in joining them in their support of the “Military Heroes” program and in the running of the Boston Marathon. This year would be no different except for the blazing heat.

The commitment to running in the 2012 Boston Marathon began in the fall of 2011 with longtime NHSP marathon coordinator Sgt Sean Haggerty first polling those with an interest in taking part and then securing a certain amount of official numbers. By the end of the year, the New Hampshire State Police team consisted of a blend of veteran and rookie marathon runners to include:

- Lt Andrew Annicelli
- Sgt Scott Gilbert
- Sgt Sean Haggerty
- Tpr Bill Bright
- Tpr Tom Conlon
- Tpr Tara Elsemiller
- Tpr Kemps Corbally
- Tpr Girard Ditolla

A few winter races are run to test where one stands in training and commitment. In January, several Troopers ran the "Derry 16 miler" also known as the "Boston Prep". It is so named because the course has hills similar to those found on the Boston Marathon course and the fact that the only people foolish enough to run 16 miles in January are scheduled to run the Boston Marathon. In February, several also ran in the 13.1 mile "Half at the Hampstons" at the Ashworth in Hampton. A delicate balance is sought between the required high mileage and recovery in order to stay injury free. Managing the aches and pains becomes very important as the weekly mileage increases.

As the day draws nearer, Trooper Ditolla is dropped from the list due to a NESPAC SWAT sniper school commitment. Retired Cpt. Steve Barrett, a veteran marathoner, quickly steps up to take his place. Sgt. Haggerty has been sidelined from any training due to a serious eye injury received while working on an ill advised home-improvement project, but wouldn’t think of not running the Boston Marathon just because he was unable to train all winter.

On April 5th Sgt Haggerty, Sgt Gilbert, Tpr Bright, Tpr Conlon, and Cpt Barrett travelled to Massachusetts State Police Headquarters in Framingham to volunteer for the day stuffing 25,000 swag bags with bib numbers.
New Hampshire, cont.

To ensure everyone was experiencing sufficient anxiety, the Boston Athletic Association begins sending daily email updates on preparations for race day. The headlines read; “Weather a significant concern for Boston Marathon”, “Determination has been made that the race will occur in a Red Zone with an increased risk to all athletes, acceptable for high level elite runners, however not considered safe for unfit and novice runners”, “The Boston Athletic Association offers a deferment to all runners to pass on running this year’s marathon”, “We strongly recommend you accept the deferment option from the B.A.A. But as Tpr Bill Bright so appropriately noted, “The deferment didn’t apply to Troopers”.

April 14th two days out from race day, the daily update reads: “Warning from the Boston Marathon Medical Directors” Temperatures expected to be in the upper 80’s, “If you are not highly fit, you should not run this race.”

April 15th day before the race, the daily update again warns: “Only the fittest runners should consider participating.” “Runners should plan to add several minutes per mile to their projected pace”.

April 16th race day, anxiety levels are high normally and with all the warnings about the weather it makes even the most confident have some doubts about what to expect. One thing is certain, it will be a challenge. Patriots Day begins in South Boston at 0630 where we board one of the twelve luxury coach buses. We are escorted by State Police Motorcycles directly to the starting line in Hopkinton. A service unsurpassed by even the elite professionals.

Once in Hopkinton we waited for the 1000 start and as predicted the weather is HOT. The crowds are something to behold and the magnitude of the event has made an impression on all of us. As Lt. Bill Coulter reminds us, “Today is not a race, it’s an experience”. Our remaining time before the start was spent taking some last minute photos including one with Massachusetts State Police Colonel McGovern.

The National Anthem, the State Police helicopter fly over, and the cheering of the crowds, start the final phase of a commitment made back in December. As one signs read, “Hopkinton to Boston only 26.2 miles” In between, I remember the crowds, the heat, the girls at Wellesley College cheering, the heat, Heartbreak Hill, and although Heartbreak Hill can’t be seen on Google Earth, it certainly can be felt after 20 miles in the stifling heat. I remember the awesome cheering section at Boston College, and the heat. I remember seeing countless people along the way receiving medical treatment, many of them looking in a debilitated condition. I remember seeing the famous CITGO sign and turning left onto Boylston Street. The finish line was in sight, but the race was far from over. Boylston Street will be forever remembered as one long street. Eight Troopers started the day and seven ended the day at the finish line. Tara Elsemiller was unable to finish due to an asthma attack at the midway point. Tara, redemption is a mere one year away. As Lt. Bill Coulter said at the start of the day, and it was certainly true at the end of the day, today was not a race, it was an experience.

Kempes Corbally – 3:18
Scott Gilbert – 4:20
Steve Barrett – 4:27
Andrew Annicelli – 4:34
Sean Haggerty – 5:06
Tom Conlon – 5:29
Bill Bright – 6:07

New Jersey

NJSP/STFA Submission

Since we last met at the Fall Conference in New Orleans, the coast of the New Jersey Shore was slammed by “Superstorm Sandy” on Monday, October 29th, 2012. This storm became the largest Atlantic hurricane on record (as measured by diameter, with winds spanning 1,100 miles). A Federal and State emergency declaration was signed before the storms landfall. Sandy made landfall at Atlantic City. Most of the state lost power for weeks, trees were toppled everywhere and over 80% of the state’s gas stations were unable to pump gas due to the lack of power and generators. Over fourteen hundred vessels were damaged or destroyed in the wake of the storm. Thousands of residences and businesses were destroyed or heavily damaged. Tens of thousands of residents were displaced. Thirty Jersey troopers suffered tremendous property damage and were displaced along with their neighbors, but more ➤
still reported for duty once their families were transported to safe locations. In response, Troopers were deployed wherever there was a need, from rescue and recovery missions for stranded homeowners, to gas stations where patrons were literally getting into fist fights over cutting in line for gas, to roadway intersections to manually control traffic since most impacted towns had no operational traffic signals, and set up checkpoints to protect properties from being looted and or burglarized. Our Marine Troopers scoured the state’s waterways on rescue missions, also searching and identifying hazards to water traffic and making them safe for use. Jersey Troopers also responded to the barrier islands, Hudson County, Bergen County and other locations to provide added security and rescue/recovery resources to local communities that were overwhelmed by the sheer magnitude of devastation. Several states sent squads of their State Troopers for deployment for two weeks post storm to also provide additional assistance to the impacted communities. We can’t thank our brother and sister troops enough for their dedication and sacrificing their time away from home to help in the recovery efforts. Our Aviation Trooper Pilots logged hundreds of hours rescuing stranded citizens, identifying areas for response and providing real time information so that Federal, State and Local agencies could respond quickly and efficiently. Trooper security patrols on the barrier islands continued around the clock for months post-storm to ensure that the recovery efforts were done safely and securely. Fort Monmouth was made available for several thousand displaced residents, with the NJSP as the agency responsible for policing same. Most if not all of these actions were covered by federal funds made available through emergency appropriations and in cooperation with the many agencies and governments offices involved. The rebuilding effort post storm began in earnest and hopes of a busy summer season along the Jersey Shore are anticipated in spite of the destruction incurred last October.

State of New Jersey vs. Trooper Robert Higbee

Brief – Final Draft

D. WILLIAM SUBIN, LLC
Attorney at Law

Redding Business Park, 308 South New York Road, Suite B-1, Galloway, New Jersey 08205

www.njpolicedefense.com

dwsubinlaw@comcast.net
Member of NJ and DC Bar

Phone (609) 748-8000
Fax (609) 748-8110

February 4, 2011

Dear Judge Gorman:

Please accept this Letter Brief in lieu of a more formal Brief in accordance with your directions for a post hearing submission solely with regard to the penalty phase as to the charges pending against Trooper Robert Higbee in the above entitled matter.

It has been stipulated by the parties as to the factual circumstances in this matter. The Court has heard testimony and additional exhibits have been submitted pursuant to the Court’s directions. Therefore, no attempt will be made to reiterate the facts or underpinnings in this matter, except as they are absolutely necessary to present arguments with respect to the penalty.

It has been stipulated that the only charges pending against Trooper Robert Higbee relate to the entry of pleas of guilty to traffic offenses, to wit, N.J.S.A. 39:4-97.2 [unsafe driving], and N.J.S.A. 39:4-144 [failure to yield], involving the motor vehicle accident which occurred September 27, 2006.

Initially, the Court had posed a question to both parties as to whether
or not the proposed recommendation of the Court should consider the results which included the two fatalities of the civilian driver and passenger in this case, or should the proposed penalty be limited to the pre-impact actions of Trooper Robert Higbee.

Our contention is that Trooper Robert Higbee, having been acquitted of all criminal charges involving vehicular homicide, and thus exonerated of any deliberate, willful or reckless act by virtue of the jury verdict should have his conduct evaluated solely upon his pre-impact conduct. The penalty for this case should not be dependent on the unfortunate fatalities that resulted.

The Court has heard testimony of the State’s own accident reconstruction expert, Sgt. John McMahon, who reiterated that investigations of this nature must consider a variety of contributing factors that may have led to the fatalities. He enumerated many factors, including the lack of seatbelt restraint on the part of the passenger and the resulting impact upon the driver as contributing to the fatalities. Sgt. McMahon also reiterated in great detail the deficiencies of the intersection and without reiterating the evidence produced at the trial, it is quite clear that there were other contributing factors to the result herein that were beyond the control of Trooper Robert Higbee.

Therefore, this Court’s sole focus should be on the conduct of Trooper Robert Higbee insofar as the degree or severity of his actions would impact upon disciplinary actions proposed to be taken by the Superintendent of the New Jersey State Police. In this regard, the record is clear that there was no impairment of the physical or mental abilities of Trooper Robert Higbee in this matter; there were no improper distractions of Trooper Robert Higbee, or anything in his conduct that inhibited his performance of duties. He was clearly acting in the course of his duties and performing a function arising out of his sworn duty as a trooper. In no way was Trooper Robert Higbee distracted or impeded in the full performance of duty.

It is therefore argued on behalf of Trooper Higbee that it is the burden of the Superintendent of the New Jersey State Police through the Attorney General, to prove by a preponderance of the evidence that the proposed penalty relates to the actual conduct of Trooper Higbee. It is the burden of the Division of the New Jersey State Police to justify a period of suspension without pay based solely upon the severity of the infraction, together with an evaluation of any past discipline (that is the record of any past disciplinary charges sustained against Trooper Higbee). See Town of West New York v. Bock, 38 N.J. 500 (1962), which is the leading case regarding disciplinary action as to municipal police. As to the latter issue, this Court has properly requested and received a Stipulation from both parties that clearly indicates there is no prior disciplinary record on the part of Trooper Higbee. Therefore, the lack of such a record should not in any way impact upon any proposed enhancement of penalty. There is no basis for any argument of increasing any proposed suspension without pay beyond that which is established by the circumstances of the offense itself.

It should also be noted that there has been no prior adjudication of the pending charges in that this matter that was referred directly to the Office of Administrative Law by the Superintendent of the New Jersey State Police. There was no effort to reach any resolution of this issue on the part of the State Police prior to the referral to the Office of Administrative Law. Therefore, the burden of proof is by a preponderance of the evidence as to the factual underpinnings of the charge. If those are established, then it likewise remains the burden of proof on the part of the State Police to justify any proposed penalty, including the length of any proposed suspension without pay.

It is also apparent from the representations on the record before this Court that the Superintendent of the New Jersey State Police is not seeking termination as a penalty in this case, and apparently the Division of the New Jersey State Police has not taken a specific position as to the length of any proposed suspension without pay if this Court concludes there are violations of Rules and Regulations in this matter. Rather, the Division of the New Jersey State Police has left it to the Court to make a recommendation based upon the evidence before it, and upon the presentation of any precedents set forth by the Division of the New Jersey State Police to convince the Court of an appropriate penalty.

To date, no case or specific justification has been introduced before this Court to justify any specified period of suspension. When questioned by the Court, the attorney for the Division of the New Jersey State Police had indicated it is the position of the Division and the Superintendent that there is no limitation whatsoever upon the ability of the Superintendent of the New Jersey State Police to impose any period of suspension without pay. This was especially evident when the Court asked in the abstract if it was the Superintendent’s position that he could impose, for example hypothetically, a ten (10) year suspension without pay in this matter, and the answer on behalf of the Superintendent was in the affirmative.

In fact, the Court specifically inquired of the representative for the State Police as to whether or not there is any restriction on the ability of the Superintendent of the New Jersey State Police to impose a suspension period in excess of six (6) months as is recognized to be the limitation in a civil service community involving municipal police officers pursuant to N.J.A.C. 4A:2-2.4 [a], and as discussed in Town of West New York v. Bock, supra, and pursuant to the interpretation of the Supreme Court as to municipal police officers in civil service communities.

NATIONAL TROOPER

New Jersey, cont.
As to municipal police, the specific language of the Supreme Court indicates: "if an employee’s offense coupled with his admissible past record is serious enough to dictate a suspension from duty for more than six (6) months, it merits dismissal instead". Long periods of suspension require other regular or temporary employees to perform on behalf of the suspended man, while his position must be kept open for his return. Such a situation is obviously not in the public interest. "Town of West New York v. Bock, supra, 38 N.J. at 526, interpreting N.J. Rev. Stat. 11:15-6, incorporated into municipal service procedure by N.J. Stat. Anno. 11:2A-1.

Likewise, this interpretation has been extended to non-civil service communities involving police officers covered under Title 40A as articulated by Judge Kestin in Cosme v. Borough of East Newark Township Committee, 304 N.J. Super. 191, 205 (App. Div. 1997). Judge Kestin pointed out the rationale which he indicated is based upon great problems created for municipalities for overly long suspensions. The Court saw no basis for imposing a different decisional standard for non-civil service municipalities than those of civil service municipal police departments. ([Ibid.] Civil service police departments are so limited by N.J.S.A. 11A:2-20 and N.J.A.C. 4A:2-2.4(a), but Cosme requires the same limits of six (6) months suspension for 40A departments.

If the employee’s offense is serious enough to dictate suspension of duty for more than six (6) months, it merits dismissal, thus reiterating the limitations of suspension of a police officer for longer than six (6) months in any instance short of an offense requiring termination. Moreover, the Supreme Court has recently posed a question in evaluating the circumstances of an offense and the proposed discipline is whether "such punishment is so disproportionate to the offense, in light of all the circumstances, as to be shocking to one’s sense of fairness." See In re: Carter, 191 N.J. 474 at 484 (2006). See In re: Johnson, [A-4390-08T3], 2010 N.J. Super. unpub. Lexis, 1417, [App. Div. 2010], certif. den., 2010 N.J. Lexis 1250 (N.J. Dec. 8, 2010), upholding reduction to 90 day’s suspension from termination sought by employer, citing, inter alia, In re: Carter. See attached as Exhibit "A".

Given the fact that termination has been ruled out by the stipulation of the Supreme Court of the New Jersey State Police in this matter, the question is whether or not this Court can consider any proposed suspension in the State Police in excess of that of the six (6) months established in civil service and non-civil service municipal police departments. What rationale is there for deviating from this standard?

While not actually recommending it as a proposed penalty, it appears that the position of the Division of the New Jersey State Police is that the Superintendent would be content to resolve this matter if Trooper Higbee would agree to “time served”, that is, waive any claim for back pay during the period of suspension in which he was suspended without pay during the pendency of the criminal charges between February 27, 2007 and his return to duty on or about June 12, 2009 following his acquittal. Thus, although not a stipulated recommendation, it would appear that the Superintendent does not wish to provide reimbursement of back pay during the period of suspension while Trooper Higbee was awaiting the criminal trial proceedings.

This position is directly contrary to the spirit and purpose of the governing Statute, namely N.J.S.A. 53:1-31, which says in pertinent part: "when ever a member or an officer of the Division of New Jersey State Police is charged under the laws of this state, or the United States, and has been sus pended without pay as a result of an action or legal proceeding, and is found not guilty at trial, or the charges are dismissed, or the prosecution is terminated, that member or officer shall be reinstated to his position and shall recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action." See Exhibit “B”.

The position of the Division of the New Jersey State Police seeking “time served”, that is refusing to repay all back pay during the period of suspension as mandated by the Statute, is a clear and obvious attempt to circumvent the statutory enactment through “this disciplinary or administrative proceeding”.

In fact, the position advocated by the Superintendent to suggest that time served “is appropriate and within his discretion” under Title 53 is not only a misinterpretation of his authority, but flies in the face of almost forty (40) years of judicial interpretation and statutory enactment. The Supreme Court of New Jersey in decisions prior to the enactment of the statutory protections for both municipal and state police employees reversed the common law concept espoused by the Superintendent, suggesting that tax payers should not be required to compensate an employee for services that he never performed since he was suspended and did not work for that period of time. Back in 1965, the Supreme Court in Mastrobattista v. Essex County Park Commission, 46 N.J. 138 at 143 declared:

“Current concepts of fair play in employment relationships suggest that persons in the public service who have been suspended or removed on charges later determined to be unfounded should be made whole insofar as possible; they should be entitled not only to restoration of duties, but should also suffer no loss in their earnings.”

The Appellate Division took this a step further in Eaddy v. Department of Transportation, 208 N.J. Super. 156, 162 (App. Div. 1986), wherein it was held that a wrongfully discharged public employee was entitled to both vacation leave and sick leave credits upon his reinstatement with back pay. The case went to the Supreme Court and certification was granted, but prior to the
New Jersey, cont.

opinion of the Supreme Court, the Civil Service Reform Act (Law of 198, Chapter 112), resolved the issues which certification was granted and the appeal was dismissed. (105 N.J. 569 (1986)).

Thus, it was that the Civil Service Commission was presented with interpretations sought by the cities in cases like *Kelly v. City of Camden*, 92 N.J.A.R. 2d. (CSV 537, 1992 W.L. 277036 [N.J. Adm.] attached herein as Exhibit “C”, wherein the Administrative Law Judge, later upheld by the Civil Service Commission, awarded back pay as a result of the delay in the disposition of an appeal and for the period of his indefinite suspension prior to being acquitted of the crime for which he was originally charged and suspended without pay.

It is quite clear that the New Jersey Legislature for civil service employees, including police officers and later under Title 53 [N.J.S.A. 53:1-31] for State Troopers, sought to provide a statutory basis for the Supreme Court Opinions which clearly indicated that the burden should be placed upon the employer to reinstate and repay the suspended employee, even though the original suspension of the employee was to protect the public interest. As is stated in the cases cited, the governing body is better able to bear the burden than is the employee. Again, this has long been a principal under court interpretation even prior to the specific statutes mandating future dispositions. The Appellative Division has long indicated in cases like *Graham v. The City of Asbury Park*, 69 N.J. Super. 256, (App. Div. 1961), a’f’d. 37 N.J. 166 (1962), that all back pay accumulated by police officers who are ultimately acquitted, had to be awarded for their period of suspension while under indictment for misconduct in office.

Thus, we contend that the Superintendent’s refusal to award back pay and to use as an excuse a concurrent suspension for the entire period that the Trooper was suspended while awaiting trial is simply an “end run” around the statutory enactments of Title 53.

That would fly in the face of the unequivocal pronouncements of our Supreme Court and Appellative Division prior to the legislative confirmation of the rationale explained by our Supreme Court. See *Mastrobattista, supra* at 143. The Superintendent of the State Police, through arbitrary action, cannot ignore forty (40) years of Supreme Court, Appellative Division, Administrative Law, Civil Service Commission, and equitable principles that were enacted into law under Title 53. With the stroke of his pen he cannot simply refuse to grant back pay under the guise that the suspension period will simply track the time that the Trooper awaited trial. It is an ill-disguised move on the part of the Superintendent to circumvent state law, and therefore is an ill-conceived and an illegal act.

It should be noted that the enactment of this Statute [N.J.S.A. 53:1-31], together with N.J.S.A 53:1-30, was deliberately passed by the Legislature and signed by the Governor for the purpose of protecting a member or officer of the New Jersey State Police by means of defense for any proceeding; leaving, to the Attorney General the discretion as to whether to initially provide for his defense or to provide for reimbursement for the reasonable expenses of his defense. Here, the Attorney General chose not to defend Trooper Higbee initially, in the criminal proceeding. The intent of the Bill was to provide members and officers of the New Jersey State Police with some of the same benefits afforded to municipal police officers. That was stated in the initial remarks of the conditional veto of Governor Christie Todd Whitman in her statement which required certain additional language insertions in the Bill. See attached as Exhibit “D”.

Governor Whitman clarified that reinstatement and reimbursement benefits apply to suspensions resulting from virtually any action or legal proceeding, and not just those arising out of incidental performance of duties as to which the member or officer is ultimately vindicated. “My recommendation in this regard is consistent with law governing municipal police officers.” She reiterated a technical amendment and provided to see to it that New Jersey State Police members and officers do not lose any benefits potentially available to them.

Thus, it is quite clear that the enactment of N.J.S.A. 53:1-31, *supra*, was intended to provide the same benefits to State Police as exists for municipal police officers. There appears to be no rational distinction in the treatment of State Police for the purposes of reimbursement for back pay when the officer is cleared of the criminal charges resulting from on duty conduct. The foregoing Statute mandates reinstatement and back pay for troopers acquitted of unfounded on-duty accusations of criminal conduct.

When this Court is required to evaluate the gravamen of the offense, it should look toward the pre-impact conduct which consists of an inadvertent, not deliberate, failure to perceive a stop sign, not the fatality that resulted. The conclusion required by Trooper Higbee’s acquittal of vehicular homicide is that there was no conscious wrongdoing, therefore, no element of “recklessness”. The test for “criminal recklessness is subjective, not objective.” *Farmer v. Brennan*, 511 U.S. 825 (1994), *Miller v. Neathery*, 52 F.3d 634, 638 (7th Cir. 1995). Under the subjective standard, it is not enough to show that a state actor should have known of the danger his actions created. Rather, a plaintiff must demonstrate that if defendant had actual knowledge of impending harm which he consciously refused to prevent, [Miller, supra at 639]. Criminal recklessness – which is the same as “deliberate indifference” is a proxy for intent. *Wilson v. Williams*, 83 F3d 870, 875 (7th Cir. 1996); *Archie v. City of Racine*, 847 F.2d. 1211, 1222 (7th Cir. 1988), cert. denied, 489 U.S. 1065 (1989).

In New Jersey, “careless driving” [N.J.S.A. 39:4-97], which was downgraded in the Higbee case to “unsafe more” ➔
driving” [N.J.S.A. 39:4-97.2] is at most “negligent”. Such conduct would not be actionable under 42 U.S.C. 1983, even when a police officer (at night driving well over the speed limit; not responding to an emergency, without lights or sirens), ran a red light and caused a fatal accident. Hill v. Shobe, 93 F.3d. 418 (7th Cir. 1996). There is no cognizable “egregious conduct” in the instant case to justify the lengthy suspension asserted in Higbee’s case herein.

Once suspension has been imposed, the individual’s interest is a speedy resolution if no controversy becomes paramount. Barry v. Barciti, 443 US 55 at 66 [1979]. An employee should not be expected to forgo his salary for an extended period without at least having notice of the charges and an informal opportunity to rebut them. See Lodermill v. Cleveland Board of Education, 721 F.2d. 550 (6th Cir. 1983), cert. granted, 467 U.S. 1204 [1984], aff’d and remanded 470 U.S. 532 [1985], cited in Hopkins v. City of Wilmington, 600 F. Supp. 542 (D. Del. 1984) at 548.

The following case involved the shooting of an unarmed suspect, not an unexpected accident while attempting to close the distance on a speeder. An Omaha, Nebraska police officer believed the suspect had a gun in Westcott v. Crinklelaw, 68 F.3d 1073 [8th Cir. 1995]. The accusation against the officer was the use of excessive force and Officer Crinklelaw had a previous suspension for that offense. Following another shooting incident, despite the fatality, and after the officer’s acquittal on criminal charges, [ld. at 1075], his discipline was modified from termination to a fifteen (15) day suspension. [ld. at 1079]. Thus, the officer’s conduct – mistake in perception, believing the screwdriver was a gun, may have been considered negligent, but his actions did not justify major discipline despite the resulting fatality.

It is absolutely conceded herein that the present charges related only to the violation of the Rules and Regulations concerning motor vehicle offenses, and do not in any way relate to the unproven criminal charges that depended on proof of reckless conduct, that is “a conscious disregard of a known risk of causing death or serious bodily injury” pursuant to the Vehicular Homicide Statute, N.J.S.A. 2C:11-5[a].

While we do not dispute the validity of the initial suspension without pay allowing the Superintendent of the New Jersey State Police to summarily suspend Trooper Higbee pending the outcome of criminal proceedings, it is also clear that the Superintendent could have provided light duty or confined Trooper Higbee’s on duty service to administrative matters not requiring him to carry a weapon or to perform his duties as a road trooper. The Superintendent has the authority under Title 53 to choose to offer or not to allow light duty under these circumstances. Nonetheless, N.J.S.A. 53:1-31 makes it quite clear that if the Trooper is acquitted of the charges, the State is obligated to reimburse him for the period of suspension without pay with the caveat that it is “subject to any disciplinary proceedings or administrative action”.

Clearly, the current action is not related to the criminal charges in any way, but is a separate and distinct allegation of the violations of the New Jersey State Police Rules and Regulations, here limited to the Trooper’s guilty pleas to the reduced motor vehicle offenses.

It is also stipulated in the record that Trooper Higbee has previously accepted and served a suspension of his driving privileges for the period of ninety (90) days, during which time his motor vehicle license privileges were suspended inasmuch as he could not return to road duty at that time. Trooper Higbee’s license was completely restored and he is currently working in the State Police with no restrictions on his duties.

Nonetheless, the Division of the New Jersey State Police has interjected no justification for an arbitrary imposition of a period of suspension of twenty-seven (27) months without pay, that is twenty-four (24) months beyond that three (3) months suspension of driving privileges. The only rationale would appear to be that was the period in which Trooper Higbee was suspended while awaiting trial and final adjudication of the indictable charges in Cape May County, all matters beyond his control.

While it is conceded that there is apparently no specific case ordering the Superintendent of the New Jersey State Police to limit suspensions to six (6) months or less, or in the alternative a requirement that the trooper be terminated, there has been likewise no rationale pointed out by the Division to otherwise justify such an arbitrary and unbridled lack of limitation on the power of the Superintendent to suspend an employee without pay.

This Court has appropriately requested that counsel provide any case from New Jersey or any other jurisdiction in the United States that would give this Court guidance on a period of appropriate penalty [suspension without pay] in this matter. As of the writing of this Brief, we represent to the Court that we have found no such appropriate precedent to justify the position of the Superintendent to require a “time served” suspension without pay. Such a penalty does not relate to the offense itself and certainly disregards the unblemished disciplinary record of Trooper Higbee. We contend that such a position is contrary to the dictates of the Supreme Court and the statutory framework as interpreted by the Supreme Court as in the rationale of Town of West New

NATIONAL TROOPERS COALITION

New Jersey, cont.
York v. Bock, supra. See also the comment in the Supreme Court case In re: Herrmann, 192 N.J. 19 at 32 (2007), which points out that the principle of progressive discipline can mitigate the penalty for a current offense in the case of a largely or totally unblemished record.

It is our contention to allow the Superintendent of the New Jersey State Police to impose a suspension without pay for any infraction of the Rules and Regulations of the Division of State Police without any limitation, and certainly without any reasonable relation to the offense itself, constitutes a fundamental deprivation of due process as to the Trooper.

Trooper Higbee, like any sworn Trooper past the probationary period under Title 53, has acquired a property interest in his employment which is protected under the Fourteenth Amendment of the United States Constitution, and the New Jersey Constitution. The Fourteenth Amendment provides that no person shall be deprived of a property right by a state without due process of law. One looks to sources outside the Constitution, that is to state law, to determine whether a state employee has a protected interest in his job. Board of Regents of State Colleges, et al. v. Roth, 408 U.S. 564, 577, 53 L. Ed. 2d 548, 92 S. Ct. 2701 (1972).

The previously quoted provisions of Title 53 [N.J.S.A. 53:1-30 and 31], together with our similar state constitutional protection for property rights, provide a fundamental right to the Trooper which is a protected interest in his job. It is our contention that since an officer cannot be discharged or put on long term suspension except for cause, this state provision provides property interest in continued employment. See Confederation of Police, et al. v. City of Chicago, 547 F.2d 375, 376 (7th Cir.) cert. den., 431 U.S. 915, 53 L. Ed. 2d 224, 97 S. Ct. 2175 (1977).

Thus, if the State’s conduct amounts to a deprivation of that interest on an arbitrary basis, fundamental due process rights are affected. The freedom to engage in any of the common occupations of life is among the liberties which the Fourteenth Amendment protects. Meyer v. State of Nebraska, 262 U.S. 390, 399, 67 L. Ed. 1042, 43 S. Ct. 625 (1923).

Suspending officers without pay deprives them of their property interest in the constitutional sense of the term. The property interest, as previously indicated, requires that fundamental due process be afforded the trooper. We contend there is no rational relationship between the twenty-seven (27) months suspension already served, and the offense itself. The Superintendent of the New Jersey State Police was permitted under law to suspend Trooper Higbee without pay pending the outcome of the criminal charges. However, there should have been a prompt adjudication of his rights to back pay as soon as the acquittal resulted. [N.J.S.A. 53:1-31]. The delay in the disciplinary action was solely due to the inaction of the Superintendent in filing these administrative charges. Now the proposed penalty appears to be an undisguised attempt to deprive Trooper Higbee’s statutory right to back pay pursuant to the Statute cited.

The delay is not in any way due to any misconduct, action or inaction on the part of the Trooper. There is simply no rational relationship between the period of suspension already served and the offense itself. There has been no evidence presented to this Court on the part of the Division of the New Jersey State Police relating to the punishment fitting the offense. There is a legion of cases as to municipal police officers as indicated above that limits suspensions to six (6) months. In other states where a thirty (30) day suspension is the limit as to State Police, there has been no question that the trooper was entitled to be reinstated upon any unlawful removal or acquittal of criminal charges. See, e.g., Haskins v. Warner, Superintendent of NY State Police, 47 N.Y.S. 2d 793, 1944, NY Misc. Lexis 1855 (1944), S. Ct. (Tr. Ct. Op.), attached as Exhibit “E”. Likewise, in the matter of IMO Clayton Bullock v. Raymond W. Kelly, et al., 2007 NY Slip OP 27436, 117 Misc. 3d. 862, 847 N.Y.S. 2d 384 (2007), attached as Exhibit “F”, the petitioner police officer having been indicted and acquitted of a charge of second degree murder was entitled to reimbursement for all time, pay and benefits lost while he was suspended as ordered by the Court. See also, Stonehouse v. City of Pittsburgh, 675 A.2d 1305, Pa. Commw. (1996), attached as Exhibit ‘G’, wherein the police officer’s cause of action for back pay accrued on the date criminal proceedings ended and the back pay award was to include the period of her suspension between the date of her murder conviction and the date such conviction was reversed. Accord: Hornoff v. City of Warwick Police Department, Superior Court of Rhode Island, 2004, R.I. Super. Lexis 21 [2004]. See Exhibit ‘H’.

There appears to be no doubt that Trooper Higbee, pursuant to New Jersey Statutes, particularly N.J.S.A. 53:1-31, case law and the concept of fundamental fairness, would ordinarily be entitled to all back pay for the period of suspension just as municipal police officers are required to receive all back pay, benefits and seniority for the period of suspension pursuant to N.J.S.A. 40A:14-149.1 and N.J.A.C. 4A:2-2.10. However, we now face an arbitrary attempt by the Superintendent of the New Jersey State Police to deny Trooper Higbee all of the back pay due to him by an unsupported assertion that the penalty for these minor motor vehicle offenses should parallel coincidentally with the time Trooper Higbee had to wait for the conclusion of the unfounded criminal proceedings. What happened to the “presumption of innocence”? It would appear that the position of the Superintendent is that if the delay in completing this criminal trial lasted five or ten years for example, that the Division of the New Jersey State Police would be justified in refusing to grant Trooper Higbee any back pay for that period of suspension.
New Jersey, cont.

It is our contention that such a decision ignores the State Statute, is totally arbitrary and capricious, and violates fundamental due process.

I again reiterate that search of all relevant cases throughout the United States has revealed no precedent that would justify that position of suspension without pay beyond the period of time that Trooper Higbee lost his driving privileges, namely the three (3) months imposed by the Motor Vehicle Commission.

Therefore, Trooper Higbee should be entitled to reimbursement for all back pay and compensation otherwise lost during the period of the remaining twenty-four (24) months during which he awaited trial and was presumed innocent. When he was finally acquitted of all criminal charges, having properly and otherwise performed his duties with the exception of the motor vehicle charge, Trooper Higbee is entitled to no more than a suspension of the period of time during which he was considered unable to return to his road trooper duties (3 months suspension).

To contend any additional penalty is required ignores Trooper Higbee’s unblemished record, and ignores the fact that in similar instances motor vehicle suspensions have resulted in a parallel suspension of employment without pay, but ordinarily no more.

There are numerous instances of New Jersey State Troopers and municipal police officers who were given penalties which were limited to loss of pay during driver license suspensions. Unfortunately, these are administrative decisions that were resolved internally and are not reported in the ordinary course of case law. Similar results exist in other jurisdictions. (See Certification of Counsel and attachments, infra.)

Since the burden is upon the Division of the New Jersey State Police in this instance to show by a preponderance of the evidence the justification for its position, I respectfully suggest that no case can be produced throughout the country that would justify the completely arbitrary and capricious “time served” rationale. In this instance, a suspension without pay for whatever period of time the trooper happens to await the ultimate outcome of an acquittal on the criminal charges is totally unjustified. To do so is without doubt an arbitrary decision on the part of the Superintendent of the State Police which would constitute grounds for reversal by the Appellate Division and our New Jersey Supreme Court, according to all of the appropriate case law, including, but not limited to, Henry v. Rahway State Prison, 81 N.J. 571 (1980). The final decision of an administrative body is afforded due deference, except when that decision is arbitrary, capricious or unreasonable, or that it lacks fair support in record. See Campbell v. Department of Civil Service, 39 N.J. 562 (1963).

If an Appellate Court were to rule on the recommended penalty by the Superintendent in this case which is solely based on the time already served awaiting trial and bears no rational connection to the offense itself, we contend it would reverse such an administrative decision.

Even allowing for the deferential standard of review of administrative decision making described above, this Court must apply the same test applied upon judicial review. “[T]he test *** is whether such punishment is so disproportionate to the offense, in light of the circumstances as to be shocking to one’s sense of fairness.” In re: Polk, 90 N.J. 550 (1982) at 578. To impose an arbitrary penalty here for the two motor vehicle offenses of twenty-seven (27) months merely because that is how long Trooper Higbee had to wait to be found NOT GUILTY of baseless criminal charges indeed is “shocking to one’s sense of fairness” and should not be considered by this Court. For a recent application of that principle, See, e.g., McDougall v. Scoppetta, 2010 N.Y.S.L.I.P.O.P. 6170, 76 A.D. 3d. 338, 905 N.Y.S. 2d. 2d, 262, 2010 N.Y. App. Div. Lexis 6234, attached as Exhibit “I”.

It seems obvious that the position of the Superintendent in the instance case is purely economic and contrary to law. He simply does not want to pay Trooper Higbee back pay owed to him while he awaited the not guilty result.

While great leeway must be afforded the Superintendent’s determination concerning appropriate punishment, the Courts will not serve as a rubber stamp. If there is an inconsistency of punishment, such permission to impose gross disparity in penalty, without regard to the underlying offense would be giving the Superintendent a blank check to be “arbitrary, capricious and irrational in the imposition of discipline so that the punishment shocks one’s conscience.” Matter of Pell v. Board of Educ. 34 N.Y. 2d. 222, 240 (1974), cited in McAvoy v. Ward and Police Commissioner of the City of New York, 145 A.D. 2d. 378, 535 N.Y.S. 2d. 721, 198 N.Y. App. Div. Lexis 13465, appeal denied by McAvoy v. Ward, 74 N.Y. 2d. 606, 543 N.E. 2d. 85, 1989, N.Y. LEXIS 531, 544 N.Y.S. 2d. 820 (1989), attached as Exhibit “J” and In re: Polk, supra.

CONCLUSION
WHEREFORE, the suspension without pay should be limited to the time that Trooper Higbee was without driving privileges, namely three (3) months, and the remainder of his back pay of approximately twenty-four (24) months should be paid to Trooper Robert D. Higbee.

Respectfully submitted,

D. William Subin, Esquire

DWS/vr

cc: Victor DiFrancisco, Jr., DAG
dc: Trooper Robert D. Higbee

bce: David Jones, President of STFA

bce: Christopher Burgos, VP of STFA
For several weeks, Troopers from across New York State were sent to Long Island for approximately one week at a time. While there, they supplemented patrols of Nassau and Suffolk county police agencies, answered 911 polls, assisted the National Guard with food and water distribution, and assisted residents with numerous issues while normal means of communication were disrupted.

The members of the detail proved once again that the New York State Police is unlike any other state public employee group. Troopers respond at a moment’s notice, live and sleep under sometimes less-than-ideal conditions, and perform tasks most others would rather not.
New York, cont.


Members from Troop F settle in at the Yes We Can Community Center in Westbury, one of the locations where members stayed during the Hurricane Sandy detail.


Trooper Leon Carrodegus, Troop D, SP Elbridge, surveys the damage along the boardwalk.


Troopers Michael Sandolfini (left) and Donald Ginnane (right), of Troop A, SP Niagara, attempt to push a motorist out of the sand in Long Beach, Nassau County.

Hurricane Sandy detail, Suffolk County, 11/08/12. Trooper Adam Swenson, Troop D, SP Alexandria Bay, drives through debris.
Bulloch v. Dept. of Crime Control

732 S.E.2d 373 (2012)


STEPHENS, Judge.

On 6 May 2005, Wade Bryan Bulloch, who at the time was a Line Sergeant with the North Carolina Highway Patrol (the "NCHP"), a division of the North Carolina Department of Crime Control and Public Safety (the "Department"), was dismissed from his employment on grounds of unacceptable personal conduct. On 26 July 2005, Bulloch challenged his dismissal by filing with the Office of Administrative Hearings (the "OAH") a petition for a contested case hearing against the Department. Bulloch’s case was heard in the OAH on 29 and 30 July 2009 and 4 August 2009 before Administrative Law Judge Beecher R. Gray ("ALJ Gray").

The evidence before ALJ Gray tended to show the following: Bulloch served with the NCHP from 1989 until his dismissal in 2005. During his tenure with the NCHP, Bulloch earned an exemplary service record and "always had[d] been in good standing and never had any adverse action or punishment." Moreover, appraisals of Bulloch’s job performance, which were admitted into evidence, "demonstrated[d] substantial and consistent very high conduct ratings."

In 1997, Bulloch was diagnosed with depression, and in 2003, with bipolar disorder. In early December 2004, Bulloch’s physician took Bulloch off his medication for depression and thereafter prescribed lithium for Bulloch’s bipolar condition. In the evening of 14 December 2004, Bulloch took his first recommended dosage of lithium. Later that night, when off duty, Bulloch consumed some alcohol before attempting to dance with his girlfriend. When his girlfriend resisted, Bulloch employed a "defensive tactic" "taught by the [NCHP]" and "moved [his girlfriend's] arm behind her back so as to bring her along with him." His girlfriend began to cry and indicated Bulloch was hurting her. Bulloch then "stopped his efforts at dancing," and he and his girlfriend left the party.

Upon leaving the party, Bulloch became frustrated and very emotional," and his girlfriend told him that she was leaving him. At home, Bulloch "began to break down," "became suicidal[,] and took two sleeping pills." Bulloch retrieved his service weapon and threatened to kill himself in front of his girlfriend. When Bulloch’s girlfriend left the room, Bulloch "placed [his service pistol] to his temple but then removed it and discharged one round into the floor of his bedroom." When his girlfriend returned to the bedroom, Bulloch told her he had taken the entire bottle of sleeping pills. Bulloch’s girlfriend called 911, and Bulloch was transported to the hospital. Shortly thereafter, Bulloch was relieved of duty "for medical reasons."

After his hospitalization, Bulloch returned to limited duty and was set to undergo a "fitness-for-duty" medical examination, which had been requested by Dr. Thomas Griggs, the NCHP medical director, and ordered by NCHP Commander Colonel William Fletcher Clay, Jr. Before that examination was performed, however, Colonel Clay terminated Bulloch’s employment.

Dr. Moira Artigues, an expert in the field of forensic psychiatry who conducted a forensic evaluation of Bulloch, testified at the hearing that Bulloch’s behavior during the incident "had a medical basis" and was caused by "[b]ipolar [d]isorder and associated medications."

1. There is no indication in the record on appeal regarding the cause for the nearly four-year period between the filing of Bulloch’s petition with the OAH and Bulloch’s hearing.
Based on the foregoing evidence, ALJ Gray concluded in a 15 January 2010 order that termination of Bulloch’s employment for unacceptable personal conduct (1) “was based upon an incomplete investigation and decision-making process”; (2) “was violative of [NCHP’s] own rules and order of [Colonel Clay]”; (3) “was arbitrary and capricious because it failed to consider a known, underlying medical condition”; and (4) “is not supported by substantial evidence constituting just cause.” Thus, ALJ Gray decided that Bulloch was entitled to reinstatement.

Thereafter, in a decision and order dated 13 July 2010, the State Personnel Commission (the “SPC”) adopted ALJ Gray’s findings, conclusions, and decision and ordered that Bulloch be reinstated.

On 13 August 2010, the Department sought judicial review of the SPC’s decision and order in Wake County Superior Court. On judicial review of an agency’s final decision, a trial court may reverse or modify such a decision only if the trial court determines that the substantial rights of the party seeking review have been prejudiced because the agency’s findings, inferences, conclusions, or decisions are:

1. In violation of constitutional provisions;
2. In excess of the statutory authority or jurisdiction of the agency;
3. Made upon unlawful procedure;
4. Affected by other error of law;
5. Unsupported by substantial evidence... in view of the entire record as submitted; or
6. Arbitrary, capricious, or an abuse of discretion.

N.C. Gen.Stat. § 150B-51[b] (2009); see also N.C. Dep’t of Env’t & Natural Res. v. Carroll, 358 N.C. 649, 658-59, 599 S.E.2d 888, 894 (2004). In this case, after a 1 August 2011 hearing before the Honorable Howard E. Manning, Jr., the trial court reviewed the SPC’s decision and order, concluded that the Department’s rights were not prejudiced by any of the errors listed above, and affirmed the SPC’s decision and order. From that order, the Department appeals to this Court.

On appeal from a trial court’s review of a final agency decision, an appellate court’s task is to examine the trial court’s order for error of law by “(1) determining whether the trial court exercised the appropriate scope of review and, if appropriate, (2) determining whether the court did so properly.” Holly Ridge Assocs., LLC v. N.C. Dep’t of Env’t & Natural Res., 361 N.C. 531, 535, 648 S.E.2d 830, 834 (2007). For errors alleged regarding violations of subsections 150B-51[b](1) through (4), the appellate court engages in de novo review; for errors alleged regarding violations of subsections 150B-51[b][5] or [6], the “whole record test” is appropriate. Carroll, 358 N.C. at 659-60, 599 S.E.2d at 895. The Department conceded that the trial court exercised the appropriate scope of review. Thus, our review of the trial court’s decision is limited to whether the trial court erroneously applied that scope of review, i.e., whether the court correctly concluded that the Department’s rights were not prejudiced by any of the errors listed in section 150B-51[b].

The Department’s overarching argument on appeal is that the trial court erred by concluding that the SPC properly determined that the Department did not have just cause to dismiss Bulloch from employment. The Department contends that the SPC’s ultimate conclusion that the Department lacked just cause was itself erroneous and also that many of the SPC’s supporting findings of fact and conclusions of law were erroneous such that the just cause conclusion should be reversed. For the following reasons, we are unpersuaded.

As recently held by this Court in Warren v. N.C. Dep’t of Crime Control & Pub. Safety, ___ N.C.App. ___, 726 S.E.2d 920 (2012), determining whether a State agency had just cause to discipline an employee requires three inquiries: (1) whether the employee engaged in the conduct the employer alleges; (2) whether the employee’s conduct falls within one of the categories of unacceptable personal conduct provided by the North Carolina Administrative Code; and (3) whether that unacceptable personal conduct amounted to just cause for the disciplinary action taken. Id. at ___, 726 S.E.2d at 925. As Bulloch admitted to his actions in this case, only the latter two inquiries are relevant to this appeal.

Regarding the second inquiry, the North Carolina Administrative Code provides that unacceptable personal conduct includes “the willful violation of a known or written work rule.” 25 NCAC 1J.0614[i]. The work rule violation that led to Bulloch’s dismissal in this case was his allegedly willful violation of the NCHP’s policy on unbecoming conduct, which forbids the conduct that “tends to bring the [NCHP] into disrepute” or “reflects discredit upon any member[s] of the [NCHP].” The SPC concluded in its order, however, that Bulloch “did not do anything ... to intentionally violate any [NCHP] policy” and “did not commit any willful unbecoming conduct.” Accordingly, the SPC’s order indicates that the Department’s decision did not satisfy the second inquiry of the Warren just cause analysis.

The Department contends on appeal, however, that the SPC’s conclusion on this issue was error because Bulloch’s conduct was an intentional and willful violation of the NCHP’s unbecoming conduct policy constituting unacceptable personal conduct. This alleged error, the Department urges, warrants reversal of the SPC’s conclusion that the Department lacked just cause to dismiss Bulloch. We disagree.

In its argument on this issue, the Department focuses on Bulloch’s voluntary intoxication and that intoxication’s alleged impact on Bulloch’s conduct. In addressing this argument, we first address the Department’s related argument that the trial court erroneously concluded that the following finding by the SPC was supported by substantial evidence: “There is no significant evidence to support a conclusion that alcohol was a substantial proximate cause of the behavior of Bulloch.” In that argument, the Department contends that “all the evidence, including the testimony of [Bulloch] and [Dr. Artigues]," supports a finding contrary to the challenged finding. The Depart-
ment further argues that the SPC erred as a matter of law in failing to conclude that alcohol was a substantial proximate cause. We are unpersuaded.

While the Department is correct that Dr. Artigues testified that use of alcohol was a factor in Bulloch’s behavior, Dr. Artigues also testified that Bulloch’s behavior was caused by a combination of alcohol, Bulloch’s first dose of lithium, “hypomania,” and his being “relatively unmedicated for his bipolar disorder.” Dr. Artigues further testified that Bulloch’s bipolar disorder and his emotional breakdown were very important causative factors of Bulloch’s conduct, such that Dr. Artigues concluded that Bulloch’s conduct “was a direct result of his medical illness.” Moreover, Bulloch testified that he had previously consumed alcohol and never had similar behavioral problems. In our view, the foregoing testimony serves as substantial evidence — i.e., “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,” Hilliard v. N.C. Dep’t of Corr., 173 N.C. App. 594, 598, 620 S.E.2d 14, 18 (2005) — to support the SPC’s finding that while alcohol “may have played some role in [Bulloch’s] behaviors,” alcohol was not “a substantial proximate cause of the behavior.” Accordingly, we conclude that the challenged finding of fact is supported by substantial evidence. For the same reasons, we hold that the SPC’s failure to conclude that alcohol was a substantial proximate cause of Bulloch’s behavior was not erroneous as a matter of law.

Because we agree with the SPC that Bulloch’s intoxication was not a substantial proximate cause of Bulloch’s conduct, we find less convincing the Department’s argument that the voluntary nature of Bulloch’s intoxication requires a conclusion that Bulloch’s conduct was intentional and willful. As found by the SPC, compared with Bulloch’s intoxication, the more important factors in Bulloch’s conduct were his bipolar disorder and his first dose of lithium. Indeed, the evidence shows that Bulloch had “a great deal of difficulty” managing his emotions because of his bipolar disorder and that his first dose of lithium “gave him some unexpected psychoactive effects.” (Emphasis added). Dr. Artigues testified that the “common side effects of lithium” — including mental confusion and a breakdown of emotions — were consistent with Bulloch’s behavior and are more likely to occur from a first dosage. Further, Dr. Artigues testified that because Bulloch was “essentially between medications” at the time of the incident, he was at an increased risk of “an adverse reaction from a new medication like lithium.” The foregoing evidence, tending to show that Bulloch was not fully in control of his behavior due to his first dose of lithium and his bipolar disorder, serves as substantial evidence that Bulloch’s behavior was not intentional, but rather was a result of his medical condition and the unexpected effects of his prescribed treatment.

Moreover, irrespective of the accuracy of the SPC’s conclusion that Bulloch’s conduct was not intentional and willful behavior that constituted unacceptable personal conduct, we cannot conclude that any error in these conclusions was prejudicial to the Department and warrants reversal of the SPC’s conclusion that the Department lacked just cause to dismiss Bulloch. Cf. N.C. Gen. Stat. § 150B-51(l)(b) (providing that a reviewing court may only reverse or modify a final agency decision where an erroneous finding or conclusion prejudices the substantial rights of an aggrieved party). As noted supra, under the three-part just cause analysis from Warren, even if an employee’s conduct constitutes unacceptable personal conduct, it must still be determined whether that unacceptable personal conduct amounted to just cause for the disciplinary action taken because “not every instance of unacceptable personal conduct … provides just cause for discipline.” Warren, ___ N.C.App. at ___, 726 S.E.2d at 925. Thus, were we to assume that Bulloch’s conduct qualified as unacceptable personal conduct, it must then be determined whether that misconduct amounted to just cause for dismissal, which determination is to be made based upon an examination of the facts and circumstances of each individual case. Id.

According to our Supreme Court:

Just cause, like justice itself, is not susceptible of precise definition. It is a flexible concept, embodying notions of equity and fairness, that can only be determined upon an examination of the facts and circumstances of each individual case.

Id. at 669, 599 S.E.2d at 900-01 (internal quotation marks and citations omitted). In light of the facts and circumstances of a case, the “fundamental question” is whether the disciplinary action taken was “just.” Id. at 669, 599 S.E.2d at 900. “Inevitably, this inquiry requires an irreducible act of judgment that cannot always be satisfied by the mechanical application of rules and regulations.” Id.

In this case, to determine whether the Department’s dismissal of Bulloch was just, the SPC took into account many factors, including Bulloch’s training and experience, whether his conduct was an isolated incident, the intentional nature of Bulloch’s actions, any injury or medical condition that may have contributed to Bulloch’s conduct, the effect of Bulloch’s conduct on his colleagues, the likelihood of recurrence, the effect of the conduct on work performance, any exculpatory, aggravating, or mitigating circumstances, the blameworthiness of Bulloch’s motives, the fairness and completeness of the Department’s investigation into Bulloch’s conduct, selectivity of enforcement, and the proximate cause of Bulloch’s conduct. The SPC “weighed and balanced” all of these factors and concluded that “the totality of all the pertinent factors militate in Bulloch’s favor.” The SPC further concluded that the evidence of record demonstrates that the off-duty conduct in issue followed and was proximately caused by [Bulloch’s] [bipolar] [disorder medical condition and his first ingestion of a prescribed medication, [lithium]. This first ingestion of this new medicine, which combined with [Bulloch’s] medical condi-
tion and some alcohol, proximately caused [Bulloch] to contemplate suicide, discharge a weapon into the floor at his home, and some related behaviors.

The SPC’s findings indicate, however, that despite the existence of this causal medical condition, the Department did not obtain a fitness-for-duty examination, which “likely would have provided especially relevant evidence that was necessary for proper personnel decision-[making consideration under Carroll].” This failure to undertake a full medical examination, the SPC concluded, demonstrated the Department’s “arbitrariness and irrationality in the consideration of Bulloch’s rights.” Indeed, the SPC’s findings indicate that Colonel Clay was almost completely unaware of the effects of bipolar disorder and the side effects of lithium. As such, the SPC concluded that the Department “failed to properly consider substantial and highly relevant facts and circumstances.” Ultimately, the SPC determined that the Department did not have just cause to dismiss Bulloch because (1) Bulloch’s conduct, including his threatened suicide, was a “direct result of his underlying medical illness and the pharmacological effect of his first dosage of the psychoactive drug, lithium”; and (2) the Department did not fully consider Bulloch’s medical condition and, thus, did not fully and properly investigate the incident before determining whether discipline would be appropriate.

Upon judicial review, the trial court concluded that the SPC’s conclusions and determination that just cause did not exist were not erroneous as a matter of law. We agree. In our view, the forgoing conclusions are supported by the SPC’s findings and are not erroneous as a matter of law. Moreover, we hold that these conclusions properly support the SPC’s ultimate conclusion that the Department lacked just cause to dismiss Bulloch.

The evidence clearly shows that, but for the 14 December 2004 incident, Bulloch was an excellent employee of the NCHP. The evidence further shows that the cause of this single incident was a controllable — but at the time uncontrolled, through no fault of Bulloch — medical condition and the unexpected side effects of prescribed treatment. However, despite the ability of the Department to investigate these causes and their roles in the incident, Bulloch was dismissed from employment before an adequate investigation was completed and before Bulloch’s supervisor, Colonel Clay, gained any sort of understanding of Bulloch’s condition and treatment. Moreover, Bulloch’s dismissal for hurting his girlfriend and attempting to hurt himself was in spite of far more lenient disciplinary action in previous cases where, according to evidence in this case, the NCHP [1] gave a trooper a five percent reduction in pay for “making 22 threatening phone calls to his ex-wife and threatening to kill her” and for attempting to initiate a traffic stop of his ex-wife without lawful reason; and [2] gave a trooper five days of suspension without pay for assaulting an ex-girlfriend by "grabbing, choking and striking her" and, on another occasion, "placing [a woman] in a bent wrist arm lock to the point it hurt." The forgoing evidence, in our view, is sufficient to support the determination that the Department did not have just cause to dismiss Bulloch for his conduct on 14 December 2004.

Nevertheless, the Department argues that the SPC’s determination that just cause did not exist was improper because it was based on the erroneous findings and conclusions that “a fitness-for-duty evaluation was necessary or appropriate to resolve an issue in question.” Initially, it appears that the SPC considered the nonperformance of the fitness-for-duty evaluation for two separate reasons. First, the SPC considered the evaluation’s nonperformance as evidence of lack of just cause for dismissing Bulloch in that it showed that the Department “failed to properly consider substantial and highly relevant facts and circumstances regarding Bulloch’s medical history, his underlying medical and pharmacological conditions on [14 December 2004], [and] the effect those conditions exerted on his behavior on that night.” Second, the SPC considered the nonperformance in support of “an alternative ground for not imposing formal discipline where an agency fails to comply with its own policy.” The Department’s argument on this issue goes only to this second consideration. The Department contends that the fitness-for-duty evaluation is used only to determine whether an employee is medically capable of performing his duties. The Department goes on to argue that because Bulloch was dismissed due to his conduct on 14 December 2004 — and thus would not be returning to his duties — the fitness-for-duty evaluation was unnecessary.

Assuming the Department’s argument on this issue is correct and the failure to complete the fitness-for-duty evaluation was not a violation of agency policy, these findings do not warrant a reversal or modification of the SPC’s decision and order. As noted supra, a reviewing court may only reverse or modify a final agency decision where an erroneous finding or conclusion prejudices the substantial rights of the appealing party. N.C. Gen. Stat. § 150B-51(b). In this case, the SPC’s findings and conclusions regarding the Department’s policy on performing fitness-for-duty evaluations support an alternative ground for reversing the Department’s decision to terminate Bulloch’s employment, i.e., that the decision was “violative of [the Department’s] own rules.” Irrespective of the SPC’s reversal based on the Department’s violation of its own rules, the SPC, separately and in the alternative, reversed the Department’s decision on grounds of lack of just cause “for the termination of Bulloch under unique and particular facts and circumstances.” As discussed supra, this conclusion by the SPC that the Department lacked just cause to dismiss Bulloch was correct. Thus, we need not address the correctness of the alternative ground for reversal and any error with respect to that alternative ground cannot be prejudicial. Cf. State ex rel. Edmisten v. Tucker, 312 N.C. 326, 357, 323 S.E.2d 294, 314 (1984) [holding that where a lower court’s ruling is based on alternative grounds, a court on appeal need not...
address the second alternative ground where the appellate court determines that the first alternative ground was correct). Accordingly, the Department’s argument is overruled.

The Department next argues that the SPC’s application of the “rational nexus” test from Eury v. N.C. Employment Sec. Comm’n, 115 N.C. App. 590, 446 S.E.2d 383, disc. review denied, 338 N.C. 309, 451 S.E.2d 635 (1994), was erroneous and warrants reversal of the SPC’s conclusion that the Department did not have just cause to terminate Bulloch’s employment. We agree that application of the rational nexus test was erroneous, but we disagree that such error warrants reversal.

The rational nexus test, as enunciated in Eury, applies where an employee has been dismissed based upon an act of off-duty criminal conduct and requires the agency to “demonstrate that the dismissal is supported by the existence of a rational nexus between the type of [off-duty] criminal conduct committed [by the employee] and the potential adverse impact on the employee’s future ability to perform for the agency.” Id. at 611, 446 S.E.2d at 395-96 [emphasis in original]. This burden on an agency is in addition to the burden on the agency to prove that there was just cause for dismissal of the employee. See N.C. Gen.Stat. § 126-35[d] [2011]. However, in Warren, a decision filed nine months after the Department gave notice of appeal in this case, we stated that there was no “binding precedent applying the rational nexus test to non-criminal conduct” and “declined[d] to extend this test to non-criminal conduct.” ___ N.C.App. at ___, 726 S.E.2d at 924. Accordingly, where an agency disciplines an employee based on off-duty non-criminal conduct, that agency is not required to prove the existence of a rational nexus between the employee’s conduct and his future performance. Id.

Nevertheless, we cannot conclude that the SPC’s application of the rational nexus test resulted in prejudice to the Department in this case. First, we note that in the SPC’s decision and order, the rational nexus test was considered separately from, and in addition to, the SPC’s determination of the nonexistence of just cause. In its designation of the issues before it, the SPC listed the first issue as “[w]hether [the Department has] proven that there was just cause to terminate [Bulloch’s] employment,” and it listed as a second, separate issue “[w]hether [the Department has] proven ... a rational nexus between [Bulloch’s] off-duty conduct and potential adverse impact on [Bulloch’s] future ability to perform.” Moreover, the SPC concluded separately in its decision and order that (1) the “totality of all the pertinent factors militate in Bulloch’s favor and there was no adequate just cause for termination,” and (2) “[t]he Department failed to prove that there was a rational nexus.” Thus, it appears from the decision and order that the SPC concluded the Department did not have just cause to dismiss Bulloch irrespective of the Department’s ability to prove a rational nexus between Bulloch’s conduct and his future performance.

Second, although under Warren the SPC may not require an agency to satisfy the burden of proving a rational nexus between off-duty non-criminal conduct and an employee’s ability to perform, the SPC’s consideration of factors relevant to the rational nexus analysis — including the likelihood of recurrence, extenuating, aggravating, and mitigating circumstances, and the blameworthiness of the motives of the conduct, Eury, 115 N.C.App. at 611, 446 S.E.2d at 396 — does not necessarily warrant a finding of prejudice. Indeed, as noted supra, just cause is “a flexible concept, embodying notions of equity and fairness, that can only be determined upon an examination of the facts and circumstances of each individual case.” Carroll, 358 N.C. at 669, 599 S.E.2d at 900 [internal quotation marks and citations omitted]. Certainly, on examination of all the facts, circumstances, and equities of a case, consideration of additional factors shedding light on the employee’s conduct is not improper. Thus, we conclude that, while the SPC improperly burdened the Department with proving a rational nexus in this case, that burden did not prejudice the Department because (1) the SPC considered the Department’s burden to show just cause separately from its burden to prove a rational nexus and (2) because many of the factors relevant to that second burden were also relevant to the first. Accordingly, the Department’s argument on this issue is overruled.

The Department next argues that, in analyzing factors to determine the existence of just cause, the SPC “erred as a matter of law in relying on the seven-factor test in Enterprise Wire.” The Department contends that the SPC’s consideration of factors listed in “In re Enterprise Wire Co. & Enterprise Indep. Union, 46 Lab. Arb. Rep. (BNA) 359 [Mar 28, 1966].” was error because application of that decision does not allow the agency to consider all relevant factors and improperly requires “mechanical application of rules.” We are unpersuaded.

Initially, we note that the SPC did not consider the factors from Enterprise Wire as exclusive and, indeed, considered many other factors beyond those listed in the case. Further, the SPC did not improperly conclude that it was bound by the Enterprise Wire decision as the Department suggests. Rather, the SPC simply noted that its previous decisions had recognized the Enterprise Wire factors and, in this case, used those factors “[i]n addition to the analysis and factors” from other North Carolina cases. There was no improper “mechanical application of rules” as the Department suggests. The Department’s argument is overruled.

The Department next argues that the SPC improperly considered Bulloch’s post-termination employment record, as well as his post-termination compliance with medical advice and “recovery from his aberrational behavior” in the just cause analysis. We agree.
North Carolina, cont.

correctly noted by the Department, evidence of Bulloch’s subsequent employment record and conduct was not available to the Department at the time the decision to dismiss Bulloch was made. Thus, the SPC’s consideration of that information in determining whether the Department could properly have dismissed Bulloch when they did was improper. However, we cannot conclude that the SPC’s consideration of Bulloch’s subsequent employment and conduct was prejudicial to the Department. We note initially that, although the Department did not have the information when Bulloch was dismissed, the fact that Bulloch ably continued his law enforcement career while appropriately dealing with his medical conditions confirms the SPC’s findings regarding Dr. Artigues’ testimony that people with bipolar disorder “can lead normal and productive lives, including holding jobs that are very stressful.” Confirmation of these findings furthers the SPC’s conclusion that the Department should have gained a fuller understanding of the cause of Bulloch’s behavior before making the decision to dismiss him. Moreover, ignoring the findings and conclusions of the SPC regarding Bulloch’s subsequent employment and conduct, we still conclude, in our de novo review of the SPC’s determination of the Department’s lack of just cause, that the remaining findings and conclusions discussed supra sufficiently support the SPC’s just cause determination. Indeed, irrespective of Bulloch’s subsequent employment and conduct, the evidence of the underlying medical cause for Bulloch’s behavior, including his attempted suicide, and of the Department’s failure to fully investigate that cause before dismissing Bulloch is sufficient to support the SPC’s determination that the Department lacked just cause. As the pre-termination evidence in this case fully supports the SPC’s just cause determination, we cannot conclude that a different result would have been obtained had the SPC ignored the post-termination evidence presented by Bulloch. Thus, the SPC’s consideration of Bulloch’s post-termination employment was not prejudicial error. The Department’s argument is overruled.

The Department next argues that the SPC erred in finding Bulloch’s “truthfulness and candor” about the 14 December 2004 incident as a mitigating factor in the just cause analysis. We disagree. Although the Department may be correct that Bulloch had a duty to be truthful in his communications with his employer, he certainly could have ignored that duty and impeded the Department’s investigation of his actions. Accordingly, we see no error in the SPC’s consideration of Bulloch’s truthfulness as a mitigating factor.

The Department next argues that the SPC erred in considering “some limited evidence of selective enforcement and disparate treatment in discipline by [the Department]” offered by Bulloch. The Department contends that this evidence was irrelevant to this case. We disagree. As noted by the SPC, the “limited evidence” included actions by NCHP employees that involved “improper intent,” such as repeatedly threatening to kill and unlawfully pulling over an ex-girlfriend and placing her “in a bent wrist arm lock to the point it hurt,” and assaulting another trooper. The SPC considered these examples and noted that the NCHP employee was not terminated in each case. In our view, this evidence was relevant to this case and, thus, not improperly considered by the SPC. The Department’s argument is overruled.

The Department next argues that several of the SPC’s findings and conclusions regarding the existence of just cause are erroneous because they “indicate that [the Department] cannot dismiss [Bulloch] for his misconduct because it relates to his bipolar condition.” This argument, however, misapprehends the SPC’s determination. Rather than concluding that Bulloch’s medical condition precludes his dismissal, the SPC concluded that [1] Bulloch’s medical condition was a substantial cause of Bulloch’s conduct, [2] Bulloch’s first dose of a prescribed medication had unintended effects and substantially caused Bulloch’s conduct, and [3] the Department’s failure to fully investigate the causes showed an inadequate and irrational decision-making process. Nothing in the SPC’s decision and order indicates that the mere existence of a medical condition precludes dismissal; however, the SPC is clear that such a condition ought to be fully taken into account before disciplinary action is taken. We agree, and, thus, overrule the Department’s argument.

Finally, the Department contends that the SPC’s conclusion that the Department “failed to consider all relevant factors in determining just cause for dismissal” is erroneous because Colonel Clay considered multiple factors, including “medical information regarding bipolar disease and depression,” before dismissing Bulloch. However, as found by the SPC and undisputed by the Department, at the time of dismissal, Colonel Clay “could not tell whether [b]ipolar [d]isorder could cause certain types of human behaviors,” “was not familiar with [l]ithium then or now,” did not have a thorough understanding of bipolar disorder, “reviewed” but did not read “in its entirety” a document from the National Institute of Mental Health on bipolar disorder brought to him after the incident, and “could not recall any discussions or communications at all with Dr. Griggs about the effects of [l]ithium on a patient who had been diagnosed with depression and [b]ipolar [d]isorder.”

In our view, the foregoing findings clearly support the SPC’s conclusion that the underlying causes of Bulloch’s conduct were not fully considered by the Department before termination. Accordingly, the Department’s argument is overruled.

Based on the foregoing, we conclude that the SPC correctly determined that the Department did not have just cause to dismiss Bulloch. Therefore, we hold that the trial court’s review of the SPC’s decision and order was proper and that the trial court correctly affirmed the SPC’s decision and order.

AFFIRMED.

Judges STEELMAN and THIGPEN concur.
2013 National Troopers Coalition Picnic

Hosted by the
Pennsylvania State Troopers Association
Benefits Troopers Helping Troopers Foundation
Thursday, September 19th, 2013 – 11:00 am to 7:00 pm
MECHANICSBURG CLUB GROUNDS

Take Exit #57 Off Interstate 81, Go West On PA Route 114, Then South On PA Route 944 (Wertzville Road), And West On Glendale Drive, To 199 Glendale Drive, Mechanicsburg, PA

For Tickets At $80 Per Person Please Make Checks Payable To The “PSTA” And Forward To
The Pennsylvania State Troopers Association, 3625 Vartan Way, Harrisburg, Pennsylvania, 17110-9439
Active or Retired State Police or Highway Patrol Identification Will Be Required at the Entrance

Tickets Will Be On Sale Thru Thursday September 12th, 2013
Tickets for Checks Received Thru September 12th Will Be Sent By Return Mail

Shuttles Available • Secure Location • Attendee Events
Opening Ceremonies • Souvenir Steins • Onoging Catering
Complimentary Beverages • Cooked Shrimp • Vendors Sites
Barbequed Chicken • Live Music • Steamed Clams • Pipe Bands
Pulled Pork • Hourly Prizes

www.psta.org  800-541-9934  ntc@psta.org

The Recent PSTA Act 111 Arbitration Hearings Presentation Summation

PENNSYLVANIA ACT 111 OF 1968
Under Act 111 and the Pennsylvania Labor Relations Act, police officers and firefighters may organize in units represented by employee organizations of their own choosing for the purpose of bargaining collectively with their employers concerning wages, hours and other terms and conditions of employment. This is the basis in which Troopers are able to engage the Commonwealth in meaningful, fruitful and fair negotiations. It provides a level of protection for both parties as they seek to provide for an equitable resolution to any disputes that may arise during negotiations. It is fair to both the Troopers and the citizens of the Commonwealth who they protect.

The current Collective Bargaining Agreement expired on June 30, 2012. Our attempts to negotiate with the Commonwealth were met with lukewarm enthusiasm. As a result we entered into the ACT 111 process. To that end we began the Act 111 hearings on October 29, 2012.

Opening remarks were made by PSTA Solicitor Sean Welby who described how vitally important the services provided by State Troopers are to the citizens of the Commonwealth. His comments were supported by a video clip of Governor Corbett’s budgetary address opening to the PA Legislature. A video...
Pennsylvania, cont.

presentation was shown to the arbitration panel titled ‘The Honor of the Force’. The video showed the history of the State Police and highlighted services that are provided to Pennsylvania’s citizens and included numerous references to our depleted manpower situation. It was explained how our members continue to do their jobs day in and day out with low manpower at levels that have never been seen before.

Neutral Arbitrator Ron Talarico commented “To Attorney Sean Welby and the PSTA, in all the years I have been doing arbitrations, I have never seen a more professional presentation.”

Troopers, both retired and active duty, from across the Commonwealth provided testimony that reflects the myriad responsibilities with which today’s Troopers are tasked.

Testimony was started by retired Major Steve McDaniel who gave an overview of PSP operations and how our Department is organized and set up. Retired Major McDaniel also spoke on how the job of a Trooper is different from other State employees and the fact that our members swear they will lay down their lives for others is something that is not common in other Commonwealth jobs.

Further testimony from Troopers and Corporals on the job touched on the rigorous training our Cadets undergo. The PSTA, in all the years I have been doing arbitrations, I have never seen a more professional presentation.”

Troopers, both retired and active duty, from across the Commonwealth provided testimony that reflects the myriad responsibilities with which today’s Troopers are tasked.

Testimony was started by retired Major Steve McDaniel who gave an overview of PSP operations and how our Department is organized and set up. Retired Major McDaniel also spoke on how the job of a Trooper is different from other State employees and the fact that our members swear they will lay down their lives for others is something that is not common in other Commonwealth jobs.

The closing statement was given by Attorney Sean Welby who spoke about the complex investigations conducted by our members. Attorney Welby also spoke about how each of the members who testified does not receive any special pay benefits, that the private sector offers a lot of money to our experts and that we need them to stay employed with the Department.

Neutral Arbitrator Talarico remarked “In all seriousness, I can see that these Troopers love what they do.”

Day three of testimony turned to the issue of Health Care and related topics. Professor Emeritus at the University of Michigan, Dee Edington began the day’s testimony. Edington gave testimony about the state of healthcare programs across the United States and how they all have the same theme. The theme being that the programs wait for the patient to become sick and then treat the sickness. Edington explained how it is more beneficial for the healthcare benefit programs to contain a wellness program that focuses on keeping the Troopers healthy throughout their careers. Edington explained that if Troopers are healthy throughout their careers, they are happier, more productive and look forward to a long retirement. The savings to the Commonwealth is that people are healthier going into retirement and thereby cutting down on healthcare costs throughout their lifetime.

Next to testify was Mark Fendrick a professor with the Department of Internal Medicine at Ann Arbor, Michigan. Fendrick is the Director of Value Based Insurance Design Center at the University of Michigan. Fendrick explained how Value Based Insurance Design is not a one year program and the cost savings come in future years as participants will maintain better health. This is not a change in benefits. The idea is that by having certain examinations available with no doctor office co-pay promotes a healthier patient.

James McKeough an actuary from the McKeough Company testified next. McKeough testified that imposing a premium co-pay is just cost shifting. In the near future both sides see no savings and the costs just increase for both sides, this idea simply makes no sense. McKeough testified about the millions of dollars in savings that are possible by incorporating a VBID plan. McKeough gave an example of how the state of Connecticut implemented a VBID plan and in just one year the state saved 100 million dollars.

Testifying last was Sgt. Andrew Matthews who is the President of the Connecticut State Troopers Association. Matthews stated that Connecticut Troopers are in a VBID plan and 98.6% of his members are in the plan. Matthews stated that his members have no change in benefits but more services are provided at no cost. The plan keeps his members healthier and savings to the State have been in the millions of dollars.

Day four’s testimony began with a presentation by the Association’s economist Dr. Amy McCarthy. Dr. McCarthy related that she was hired to conduct a comparable study of PA State Troopers and other State Police agencies from around the country. The comparable states have a State Police agency and have a collective bargaining arbitration process to resolve contract issues. The comparable states that were used were Illinois, Michigan, Massachusetts, New Jersey and New York. McCarthy’s testimony showed that Pennsylvania Troopers are 7.6% behind the median salaries of the other comparable states.

The Troopers Association was very pleased that two distinguished members of the Pennsylvania Legislator provided testimony on our behalf.

PA Representative Thomas R. Caltagirone who is the Democratic Chairman for the House Judiciary Committee was...
the first to testify. Chairman Caltagirone spoke in support of the Association’s request for a reasonable pay raise. Caltagirone also spoke of the outstanding job done every day by PA Troopers. Caltagirone also explained how this contract could have devastating effects on the number of retirements that could occur in the future and stated “It is absolutely necessary to adequately compensate our Troopers and rest assured the legislature will do so.”

Testimony was presented next by Senator John Rafferty from the 44th Senatorial District. Senator Rafferty is currently the Chairman of the Senate Transportation Committee. Senator Rafferty explained how the funding is handled with the motor licensing fund and the State general fund. Senator Rafferty also expressed concern of how this contract will affect manpower of the PA State Police and stated that as Chairman of the Senate Transportation Committee he will find the funding to take care of the award of the arbitration panel.

We thank both the Representative and the Senator for their tireless work on behalf of the citizens of the commonwealth and the Troopers who protect them.

Testifying next was Justin McCrary an economist and Professor at the Law School of California Berkeley. McCrary presented extensive testimony on the effect of police on crime. McCrary stated that members retire sooner versus later if they become nervous about this contract. McCrary presented testimony that to spend money to retain Troopers is a huge savings compared to the dollar value associated with the costs of crime and deaths of the citizenry of PA. McCrary stated there is a need for institutional continuity and that job know how is accumulated on the job through decades of experience and wisdom. Police organizations work best when older members teach younger members, however a mass exodus prevents that from occurring.

Testimony concluded with Troopers providing the Arbitration panel with an explanation of the extraordinary work they do on a day to day basis. Highlights were:
- Criminal Investigations
- Aviation Patrol Unit
- Front Line Supervision
- BCI/Fugitive Task Force

The final day of presentation by the Association took place on December 12, 2012.

PSTA President Joseph Kovel testified next and gave his personal history and explained his duties with the PSTA. President Kovel testified about the growing manpower shortage within the PSP ranks and the effect it has had. Kovel explained how back up to members and response times are growing concerns. Kovel testified about the recent closing of the Ephrata station and the promises from command staff that closings would continue as manpower continues to decline. Kovel also explained that as he has spoken to members around the State, that members continue to worry about their health benefits and that if their health benefits are changed, the members will leave. It was explained to the panel that that they can stop this mass exodus from happening by not changing health care benefits. Kovel explained a survey was taken of the membership and that it reaffirmed what Kovel had been told earlier, that members would leave if health benefits were taken away.

PSTA Vice President Cpl. David Bova testified next, he gave his personal history and explained his duties with the PSTA. Vice President Bova explained that an essential element of the discipline system is that the Department adjudicates a penalty swiftly. Bova explained that a proposal is being presented that asks that a penalty be adjudicated within 60 days for non-court martial cases and 90 days in court martial cases. Bova gave numerous examples in which members waited hundreds of days for their penalties. Bova further explained that the PSTA is asking for a restructuring of the manner in which grievances are to be scheduled and heard. The proposal could save tens of thousands of dollars to both the Commonwealth and PSTA in Arbitrator cancellation fees.

Dr. Robert Delprino from Buffalo State College testified last. Delprino gave his personal history. Delprino explained that he was hired by the PSTA to author a survey to send out to the membership about contract negotiations. Delprino stated that he conducted focus groups around the state to help determine what the concerns of the membership were. Delprino stated that Troopers are highly committed and like what they do and do not want to leave. Delprino stated that Troopers want to stay “But if you mess with their health care benefits, they’re going to leave.” 1,500 respondents to the survey said they would leave if benefits change.

The highlights of the members from the field testimony were:
- BCI, Clandestine Laboratories
- Scheduling issues at the Troop and Station level.
- Leave donation program to members in distress
- Troopers Helping Troopers Foundation
- Warrants and O. R. Division

Cpl. David Bova retook the stand and spoke passionately concerning the death of Cpl. Joseph Pokorny. This day marked the fifth anniversary of Cpl. Pokorny’s senseless murder. Words cannot do justice the emotions that were felt by all who were in attendance that day. The sacrifice, the pain, the commitment to duty for our fellow Troopers and those we protect were presented for all to see.

This concluded the presentation for the PSTA in the Act 111 Hearing process. The Commonwealth took four days for their presentation to the Panel. The matter is currently in the hands of the Arbitration Panel. We hope to have a resolution to this matter by the early Spring of 2013.

hdannehower@psta.org
A nyone who lives in Texas knows that DPS Troopers are vigilant in monitoring our highways. We all know that without this oversight, our roadways would not be safe. Citizens also occasionally hear about Troopers seizing drugs, weapons and currency hidden in vehicles that have been stopped for routine traffic violations. What most citizens do not know is that the seizures they hear about are only a fraction of what is actually confiscated by our state police. With over a million stops per year on our highways, DPS Troopers and Agents do a tremendous job in slowing the flow of drugs and weapons smuggling in Texas.

And today, DPS is pioneering a whole new area of interdiction involving endangered children. The idea for an Interdiction for the Protection of Children (IPC) Training Program grew from a conversation that took place between Sergeant Derek Prestridge, Heidi Fischer (Missing Persons Clearinghouse) and then Trooper Cody Mitchell (now Texas Ranger Cody Mitchell) in 2007 in which they discussed finding an appropriate training program that would teach officers the techniques and indicators for identifying and interdicting in the case of missing or abducted children. Their idea was that since Troopers were on the road every day and already well trained in criminal interdiction [drugs, weapons, currency], they had a great opportunity to expand their expertise to spotting indicators for children being abducted or exploited. To their surprise, they could find no such training available from any source within the U.S. The training they did find was “reactive” and only addressed situations after criminal activity had occurred. They were looking for a more “proactive” approach to train law enforcement to recognize indicators of a potential problem. They reached out to the National Center for Missing and Exploited Children, various Missing Persons Clearinghouses, the Federal Bureau of Investigation, and other state and national law enforcement and child protection agencies with no luck in finding such a program. They recruited a small group of Troopers, to include Trooper Mitchell, with a mix of proficiencies that included drug interdictions, DWI enforcement, and crash reporting, to “test market” 5-7 questions that could be asked during a stop that could flag identifiers of a child in trouble. Those questions were evaluated for their effectiveness, and, with adjustments, some are still used today in training and on the road. So, with the support of DPS Director Steve McCraw, they set out to create an IPC Training Program from the ground up.

A team of willing resources was assembled to develop and conduct the IPC Training Program. They recruited Melissa Atwood, the DPS Victim Services Director, and DPS Counselor Bunny Terrell to provide invaluable input regarding victimization dynamics, child development, trauma, and crises reactions, and basics skills in how to effectively “talk” to a child to obtain quality information in a child friendly manner. DPS Counselors Christi Traver and Roberta Farley also assist with the training. With Lexi Quinney’s guidance in the DPS Fusion Center, they were able to establish an IPC Information Repository that would be available as a resource to all law enforcement and victim services agencies across Texas and the US. The use of the Fusion Center has proven to be the first of its kind nationally to collect intelligence related to high risk threats to children obtained from traffic stops, and is recognized as an instrumental resource to first line officers conducting traffic stops and investigators during investigations. Elaine Capers with DPS Communications provided assistance with introducing TDex during the initial training and was responsible for the implementation of the Department’s first ever “Missing / Exploited Child Recovery Teletype”. The tele-type is responsible for providing a solution to track the rescue of children by Department personnel. This system allows various services within the Department to provide follow up assistance to investigations, outside agencies and families of the children. The initial IPC Training team also consisted of Special Agent Wayne Koka with the FBI’s Behavioral Analysis Unit III (yes, the real “Criminal Minds guys”) to advise, monitor and instruct the initial 3-day pilot IPC training class in September of 2009. Agent Wayne Koka and Agent Mike Yoder still work with the Department and offer the assistance of the BAU III to provide analysis and guidance related to information gathered from the traffic stops.

The National Center for Missing and Exploited Children provided numerous free advanced trainings for the Department in order to educate its commissioned personnel and later attended the initial IPC class to vet the class and provide feedback. Within 8 months of that initial class, DPS began gathering intelligence, and the first recovery of an exploited child happened in December of 2010.

The IPC Training is now included in the regular rotation of DPS in-service training for Troopers, Agents and Texas Rangers. As the IPC Program...
developed and grew, everyone involved quickly learned that the IPC initiative is much more complex than basic drug and gun interdictions. There are many different types of missing children, including: Family Abductions (FA); Non-Family Abductions (NFA); Lost, Injured or Otherwise Missing (LIM); Endangered Runaways (ERU). Each of these different scenarios involves different dynamics and techniques. IPC training includes crucial information about various control and manipulation methods used by perpetrators, their utilization of certain websites, and their own lexicon. The class also aims to teach the importance of using victim sensitive language in talking about child victimization. Ranger Mitchell explained, "IPC strives for a victim-centered, multidisciplinary approach that involves the Trooper making the stop [the eyes and ears], investigators [Agents and/or Rangers], Child Protective Services, Victim Services, other law enforcement agencies, attorneys, prosecutors, district attorneys, social workers and more".

Trooper Bruce Sherman, a student from the initial training, has been successful in identifying threats and possible victims. Trooper Sherman used techniques and questions he had learned through his IPC training and was able to develop a rapport and comfort level with the possible victims. [See inset to read how IPC training has changed Trooper Sherman.]

In July of 2012, FBI Special Agents Wayne Koka and Mike Yoder came to the DPS Headquarters in Austin to provide a free two-day intensive training for investigators that complimented the IPC training program that focuses on the patrol officer. They pointed out to the 100 or so Troopers, Agents, Texas Rangers, and other law enforcement officers from around the state who attended that this proactive IPC Training program is the first of its kind in the U.S. that they know of, and will likely become accepted throughout the country.

The program has gained acceptance and recognition around the state [and the nation], and local and county law enforcement agencies often participate in the training, which DPS provides at no charge. Officer Kenneth Holder, of Caney City Police Department, attended one of the regional training sessions, and shortly thereafter, noticed a young female passenger in a car that he had stopped who was sitting on the lap of an older man. After a few questions, he realized something wasn’t right and was able to take the appropriate steps to deliver her to safety. Officer Holder knows how effective the training was in helping him identify the indicators, the resources available to him, and the appropriate steps to take in this case. The IPC Training Program has been recognized outside of Texas, having been presented to the Georgia Bureau of Investigation, the University of Arkansas-Criminal Justice Institute; and Canadian Center for Child Protection Conference, in Canada, to name a few.

Obviously, the case does not end at the point of interdiction. The DPS team developed an IPC “information resource card” for law enforcement officers to keep with them to help them walk through the appropriate steps when they encounter an at-risk youth situation or a High Risk Threat to a child. The DPS Victim Services Program provides services to the child and/or family to address victimization or risk factors as soon as possible to reduce the risk of further (or potential) harm to the child. Melissa Atwood said: “DPS has 14 licensed mental health counselors who are regionally located across the state to provide services to victims and families. The counselors are available 24/7 to provide consultation on how to approach a child, information on resources, and crisis counseling as needed.” Investigations are conducted to determine if criminal activity has taken place. Data related to possible high risk threats to children is disseminated to the IPC Repository at the DPS Fusion Center and to other appropriate agencies, ultimately providing a valuable resource to investigators attempting to protect and find endangered children.

Director Steven McCraw, the Texas Public Safety Commission, and all of the DPS leadership team have been very supportive of the IPC Initiative. The "Missing and Exploited Children Award" has been added to the list of Regional Awards that can be given by the Department. This honor is awarded for outstanding efforts in the recovery and interdiction of missing and exploited children, child human trafficking, and the identification and apprehension of child predators.

The problem is huge. Some studies put the number of children exploited through sex and labor schemes between 100,000 to 300,000. Texas Attorney General, Greg Abbott estimates that roughly 20% of all trafficked persons in the U.S. pass through Texas. Since the Interdiction for the Protection of Children initiative began [from 2009 through November, 2012], 62 victims have been recovered, 20 criminal arrests related to Sex Assault, Possession of Child Pornography and Human Trafficking have been made; and 110 Suspicious Activity Reports have been submitted to the Department’s Fusion Center and added to the database. By any measure, this program has to be regarded as a success, and will only improve as more officers and agencies receive training and begin to see its potential.

The following is a list of DPS Officers with Successful Child Interdictions between December 2011 and November 2012.

Joshua Roraback, Patrick Garcia, Christopher Rainwater, Erik Pak, Adam Rose, Joel Smith, Jeffery Green, Amber Dunihoo, Frank Rios, Luis Guzman, Jorge Cano, Ryan Glenn, Jacob Gamez, Jorge Salazar-Cano, William Dykstra, Santos Carrasco, Daniel Rangel, Russell Reid, Ben Dollar, Jason Sanchez, David Rodriguez, and Cesar Cuevas
It is very rewarding to know that you have intervened in the abuse or harm of a child. With other criminal interdiction you are obviously helping keep the streets safe and hurting the pocketbooks of the cartels but with IPC the satisfaction comes from knowing that you truly made a possible life changing difference in a specific child’s life. It’s one of the most rewarding feelings I can recall to date. I cannot begin to count the number of times I have encountered a victim who told me “thank you for listening to me.” After personally working with child victims of these terrible crimes, it weighs on your heart. I have definitely changed the way I think, speak, interact with others, and conduct my duties as a Trooper since the IPC cases started for me in the fall of 2009. It has helped me better understand just how many possible victims there are in our own neighborhoods whom we never knew were victims in the past; simply because we were not fully educated on indicators for which to look. In the IPC program, Troopers are taught how to investigate and intervene in situations where there may be an at-risk child or child victim. In the past I simply made sure a child was properly buckled into their seat belt on a traffic stop or maybe questioned teenage children regarding tobacco and cigarette use. Now my eyes have been opened and I truly understand how much more is at risk for many children. Asking a few questions and looking for indicators outlined by the IPC program created by Texas DPS literally save the lives of innocent children. The IPC program holds a promising future that will continue to protect lives and prevent further victimization of children in and around our communities.
Generations of Peace Keepers; A Proud Moment

By Corinna Bambino, July 24, 2012

Three year old Junior Trooper Austin Bruner in his “Trooper Costume” and His Daddy, newly sworn in Trooper Chris Bruner of the 99th Trooper Cadet Class, find a quiet corner to pause for a moment on a bench in the rotunda after the commission ceremony. It was an exciting day for the three year old as he was anxiously waiting the day he could wear his “Trooper costume” to daddy’s graduation, which also meant that his daddy could stay home more than just weekends. The eight long months that his dad attended the academy was a journey that seemed to have no end for the little junior trooper. I am sure his father felt much the same at times. Though this particular journey has come to an end for the little junior trooper, it marks the beginning of a much longer journey for his dad. Trooper Chris Bruner was one of 44 cadets who received their commissions from Governor Chris Gregoire at the Capitol on March 30, 2012. It was a proud day for all of Chris’s family who attended the ceremony.

Chris’s enthusiasm of the law enforcement profession was inspired by his father Greg Bruner, who is a Deputy more ➤

Trooper and Jr. Trooper, break time.

2nd generations of current Peace Keepers, 3rd generation future Peace Keeper.

Looking in the mirror.
with Spokane County and his Uncle Major Bambino who has been a WSP Trooper for 25 years and is currently assigned to District 4. It was a proud and unexpected moment for Major when he learned that he would have the opportunity to work the road alongside his nephew wearing the same uniform, as Chris was assigned to Spokane for his coaching trip. Since Major had spent the last 19 years as a detective, most recently in the auto theft unit, he never dreamed he would have this opportunity. However, state budget cuts lead to the end of the WSP auto theft unit sending most auto theft detectives back to the road in uniform, including Major. Major was reassigned to the road as a district 4 line Trooper the very same month Chris was hired by the State Patrol. The silver lining to this turn of events in Major’s career was that he returned to the road just in time to work alongside his nephew. It was a proud moment for which to be thankful. After receiving his commission, Trooper Bruner was assigned to the Okanogan detachment, and resides there with his wife and their two sons.
With headlamps guiding our way we climbed up and across the Cowlitz Glacier, past Cathedral Rocks, through Cadaver gap, across the Ingraham Glacier, up Disappointment Cleaver, and onto the Emmons Glacier where it was finally light enough to put the headlamps away. It was a beautiful sunrise high above Little Tahoma as we made our way up to the Columbia Crest. We made the summit at 08:00 AM, 9 hours of heart pounding “one foot after another” drudgery. When I dropped into the crater I felt a sense of accomplishment that I had never felt before. Twenty four years of desire, 8 months of training, and 2 days of climbing had paid off. I have checked my Mt. Rainier bucket list box.

Washington, cont.

Rescuing Pickles

Trooper Allen Nelson, Badge #780 WSP, Forks Outpost

As an outpost trooper assigned to Forks I have seen and dealt with my share of lost, escaped, and abandoned animals on our area’s highways. These types of calls usually are about common animals such as dogs, cats, horses, cows, etc. I have even wrestled with a rogue Lama, and even an angry bull that nearly turned its owner’s truck into a piñata. Up to the 11th of May, 2011, I held the Rogue Lama in the front of my memory bank as the most interesting and entertaining animal of all. The Lama taught me a thing or two about the proper way to hack a loogie. For you non-spitters, a loogie is a big spit ball, that when properly executed in spit form can take flight at a high velocity not to be reckoned with especially when the loogie is delivered at one’s self from the mouth a Rouge Lama. It is of course their early warning sign that things will get much worse if you choose not to respect their personal space.

On May 11, 2011, in the early afternoon hours, I was called to a pig running in and out of the roadway near milepost 9 on State Route 110 in Clallam County. While en-route to the call, the radio operator stated that the reporting person was now feeding it some potato chips to keep it off of the roadway. I thought to myself, “I hope the person has a big bag of chips to hold the pig at bay as I was still at least ten minutes away, part two of my thought was, “I certainly hope the chips are not Lays brand.” You know their logo, “You can’t just have one.” Then again, what would it matter to a pig?

A few miles from the reported location of the pig, I noticed a Washington State Department of Transportation pickup on the side of the road. I recognized one of the WADOT employees as Lyric Winn. I knew Lyric had a soft spot for animals and was well versed with farm animals. Not yet knowing any particulars about the pig, I decided to recruit WADOT to assist me. After briefing Lyric on the situation, he immediately volunteered to assist me.

I arrived to the pig’s location moments after a federal wildlife agent did. The wildlife agent said he arrived prior to the reporting person leaving the scene. The reporting person told the wildlife agent when the chips ran out, the pig became aggressive, so they jumped in their car until the wildlife agent arrived.

As the wildlife agent filled me in on what I had missed, I noticed the pig calmly approach where we were standing. It was a fairly small in size, perhaps only weighing about 60 lbs. It was obviously a potbellied pig and it appeared to have been abandoned. Lyric arrived shortly afterward and immediately sized up the pig and identified it as a potbellied pig. He inspected her feet and carefully looked her over. Although not being a veterinarian, Lyric shared his observations with me about the animal’s condition. After he cleared his throat, he said, “Well it’s a female-Sow, a little malnourished, dry skin, and her feet...”
need to be cleaned up." After a brief discussion about what the best course of action would be, it was unanimous; Lyric would provide the foster farm for the pig until someone claimed her. She has a name now, it’s Pickles. To date nobody has claimed her and the Winn family is pleased to have Pickles as a new addition to their mini-farm. The following is an update on Pickles given to me by Lyric just the other day.

Lyric has determined that Pickles is about 18 months old. Her new home is his backyard where she runs free and plays with the family’s two dogs and many chickens. Lyric reports, that when he first brought Pickles home, she polished off a large bowl of dog food, followed by a lot of water. Pickles then searched out a place to rest. Pickles befriended the chickens and scratched out a bed in the hen house, where she has slept nightly since day one. Lyric has noticed that Pickles guards the hen house from the raccoons and the cats.

The family’s dogs took about two days to warm up to Pickles. Lyric said it seemed his dogs couldn’t understand why she didn’t bark or even make a sound. Pickles has since managed to muster up what sounds like a grunting bark and the dogs seem pleased with the fact she can actually make a sound. Pickles has picked up on the dogs’ favorite sport, running the fence line fast whenever a neighbor dog appears on the other side. Lyric stated, “If nothing else Pickles will certainly keep herself fit and trim this way.” Pickles isn’t too picky about what they feed her. They have her on a regular diet of pig feed from the local feed store. Also seasonal fruits and veggies are a big hit with Pickles. Lyric added, “The portions are never as big as Pickles would like them to be, (she’s such a pig).

Lyric said if someone would have approached with the idea of actually keeping a potbellied pig as a pet before he met Pickles, he said he would have said, “No way.” Lyric said Pickles has fit nicely into their family now. He said he cannot imagine why anyone would simply abandon her, but everything happens for a reason and we are very happy things worked out the way they did; for Pickles and for us.

I have enclosed a few photos that I took when I stopped in at the Winn residence for an update on Pickles. As you can see, Pickles seems to be in her element. She walked along side Lyric, and even showed me where her sleeping quarters were in the hen house. The last photo was of Pickles lying at my feet for a departing tummy scratch.

Pet abandonment seems to be on the rise with the turndown in our economy. It is a hard reality that people get in over their heads with pets. Luckily, I have been able to network with humanitarian minded people to find homes for abandoned animals. All animals are not that lucky though. Many local shelter’s need volunteers and donations. If interested in helping out, call your local government agencies to locate an animal shelter near you.

Seafair Weekend

By Trooper C. White, #905

Friday morning on Seafair weekend and we get a semi rollover collision blocking all lanes WB I-90 at SR900 which backed up traffic for a couple of miles. The semi driver, who’s trailer brakes were apparently bad prior to collision, was in lane two of three and decided to make a lane change.
A warm summer day in July 2011, Spokane Troopers Thompson, White, Wynecoop, Spencer and Sgt. Walker were honored to participate in the return of one of America’s heroes to the Inland Northwest, Sgt. Nathan Beyers [Army].

WSP Units met at the Spokane International Airport, joining local Guard Units, Active Airforce, Airport Police and Fire, and the Army’s Honor Guard Detachment. Members of the community were on hand, as well as a group of motorcyclists, ready to help escort the soldiers from the airport to a funeral home in Spokane.

Trp. Thompson organized our efforts, conferring with Sgt. Walker and planning the route, and working out the solutions to the traffic obstacles and construction congestion between the airport and downtown Spokane. Trp. Thompson was well prepared and it was obvious his experience with these details as a Motor Trooper would serve us today.

With a light breeze, the small, white Airforce jet arrived. This corporate type jet landed and began the long taxi from it’s runway to the tarmac on the southeast side of what used to be Geiger Field. This distance of course was short compared to the long journey our soldier traveled from the turmoil in Afghanistan, where he served his nation and family to his end.

While all in attendance quietly watched the precise movements of the Army Honor Guard, a wooden casket was removed from the plane and transferred with care to the shiny black hearse waiting nearby.

Leaving the Airport was effortless and the trip easy until we met the mass of nearly-stopped cars on eastbound Interstate 90. Quick radio communication and teamwork overcame this rolling roadblock, and the long procession navigated the 4 miles of construction until it exited at Division St. With little to no delay to the rest of our motoring public, the procession travelled Division St. to the waiting funeral home.

Here, the Army’s Honor Guard moved the soldier into the building with great care and respect. Our WSP contingent gathered together and talked over the escort detail and moved on to finish our shifts.

It was an honor to be on duty that day with the Washington State Patrol, and a privilege to be asked to help escort Sgt. Beyers into Spokane.
Traffic Stop

By Trooper Jason D. Betts, #316

In Mid June I conducted a traffic stop for expired tabs. The vehicle had several occupants and failed to yield for about three blocks before slowly driving behind several businesses taking me to a secluded area. I figured this was going to end in a shooting or more likely a foot chase. I called for backup as we were driving and waited for events to unfold.

As the vehicle slowed I observed the driver’s side door open and a male begin to exit the vehicle. I quickly stopped my patrol car and stepped out drawing my weapon. Fortunately for everyone, the driver jumped out of the vehicle and began running. The vehicle continued in motion until it crashed into a large bush. I holstered my weapon and began to give chase. About six or eight steps into the foot chase it became quite clear that the driver was going to out-run me. This was part because he was very fast and part because I was already tired. With several occupants in the vehicle it was unsafe to chase anyways.

I contacted the occupants in the car who told me the driver’s first name but couldn’t seem to remember the driver’s last name. As usual Mt. Vernon PD was on the scene quickly and more than willing to help in any way. We were able to identify the subject using a mug photo.

Trooper Tobol and I assisted Mt. Vernon Officer Zach Wright with a track using his K-9 Officer Luther. While we tracked the individual Tobol and I observed a person walking out of an apartment building and proceed to get into a car with two females. This person was wearing a females jacket with a big fuzzy hood and it was so short it left his entire mid section exposed. It struck us as odd as it was obviously a male wearing the jacket. As the vehicle drove past I observed the subject and noticed he looked very similar to the mug photo I had seen. I advised officers on the perimeter to stop the vehicle and ID the passenger. Soon I was informed the subject was the one we were looking for and he was under arrest.

Later the vehicle was searched after a warrant was obtained. I located heroin, methamphetamine, marijuana and drug paraphernalia in the vehicle. Mixed in with these items was a can of Healthy Choice Soup. I was happy to see the subject was eating right. It raised the question if it was the healthy eating or the meth that made his so fast on his feet.
2012 Trooper/Highway Patrol Officer Line of Duty Deaths

(Arranged in date of death order)

May they rest in peace........
ERIC WORKMAN
Trooper
West Virginia State Police
EOW: 08/31/2012

JAMES HOOPES
Detective Sergeant
New Jersey State Police
EOW: 09/12/12

KENYON YOUNGSTROM
Officer
California Highway Patrol
EOW: 09/5/2012

BOBBY GENE DEMUTH, JR.
Trooper
North Carolina Highway Patrol
EOW: 09/8/2012

PAUL HERNANDEZ
Trooper
Texas Department of Hwy. Safety
EOW: 10/4/12

ANDREWFOX
Trooper
Virginia State Police
EOW: 10/5/12

BLAKE COBLE
Trooper
Pennsylvania State Police
EOW: 10/4/12

KYLE DEATHERAGE
Trooper
Illinois State Police
EOW: 11/26/12

KYLE DEATHERAGE
Trooper
Illinois State Police
EOW: 11/26/12
CAN YOU NAME THIS EXERCISE?

A) Jumping Bean
B) Jack’s Bounce
C) Jumping Jacks
D) None of the Above

Even if you don’t know the answer, all you need to know is that any activity is a good activity. So play sports, run, dance, jump in place, ¡Lo que sea! whatever, just get up and play at least one hour a day!

For fun activities and ways to stay healthy visit

www.letsmove.gov
National Troopers Coalition
1875 I St. NW Suite 500
Washington, DC 20006

"The NTC would like to thank all our sponsors and will continue to provide the fine professional service that the public has come to expect"