

THE WATCHFUL EYE

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To Chase or Not to Chase....

In the past several years, vehicle pursuits have become the subject of increasing scrutiny. The finer points of policy, the use of force continuum and common sense have been debated in the courts and other forums to include the nightly news and talk shows. This debate led to changes in policies throughout the United States. As typical, two extreme views emerged. Some called for ending chases as soon as possible using the PIT maneuver while others called for an end to all vehicular pursuits.

Driving this debate was bad publicity from car wrecks, civil suits against law enforcement agencies, and a portrayal of law enforcement officers as the problem. Those of us who have been involved in vehicle pursuits know that the danger is not the law enforcement officer. We know that the danger is the perpetrator and the risk he poses to the innocent public. Well, I am happy to report that the United States Supreme Court agrees with us.

The United States Supreme Court released the much anticipated opinion in *Scott v. Harris* on April 30, 2007. You can read the decision at www.supremecourtus.gov. By now you have no doubt heard about this case on the news. However, I can tell you that this is perhaps the most important law enforcement decision to come out of the United Supreme Court in many, many years. Those of you who teach use of force, firearms, or driving would be well advised to read this opinion. Email me with any questions and I will be happy to discuss the finer points. This opinion establishes that the United States Supreme Court is paying attention to the realities of law enforcement and the justices recognize the danger of the job you perform every day.

Facts of the case

In March 2001, Victor Harris was caught on radar traveling eighteen miles per hour over the speed limit. Instead of pulling over when he saw a deputy turn on his blue lights, Harris decided to run. He exceeded 85 miles per hour down two lane roads. When he was nearly contained in the parking lot of a shopping center, Harris rammed a patrol car and kept going. Deputy Scott received permission to employ the PIT maneuver, but elected not to do so because of the extreme speed of the vehicles. Scott explained that the PIT maneuver would have caused the perpetrator to spin and possibly increase the danger to the public. Instead, Scott rammed the push bumper of his patrol car into the rear of the perpetrator's vehicle. Harris lost control, left the roadway and rolled down an embankment. Harris sustained serious injuries including quadriplegia.

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The Watchful Eye

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SECRETARY

The June Full Board meeting will be held on Jekyll Island at the Jekyll Oceanfront Inn on Saturday, June 16, 2007. The regular meeting will begin at 9:00 am and it will be followed by a class for the Local Lodge Secretaries. The purpose of the Secretary's class is to train each Local Lodge Secretary in the operation of the new National F.O.P. data system. This system enables the lodge secretary to have access to there lodge's membership; add members, delete members, change addresses and make names changes. Using this system will enable Lodge Secretaries to conduct business in a paperless format. I encourage all Lodge Secretaries to participate in this class.

Since our last newsletter, I am proud to announce the formation of our newest lodge, the North East Georgia Lodge 105. Bill Peacock, Carlton Stallings and I joined in swearing in the new members on February 28th. We welcome our new Brothers and Sisters to the Fraternal Order of Police.

The 2007 F.O.P. Wage Survey has been completed and copies will be available at the June Board meeting. After the June Board meeting the survey will be posted on the State Lodge F.O.P. website (www.georgiafop.org) for downloading.

If you are a new lodge officer or a new member and you have questions or need information, please do not hesitate to contact the State Lodge office. This is your F.O.P. and we are here to serve you.

Marlin Humphrey

PRESIDENT'S MESSAGE

Take Advantage of Your FOP Benefits

The Fraternal Order of Police works hard to make life better for our law enforcement professionals. This is done in many ways. Your FOP works hard for you everyday in Atlanta and Washington monitoring and introducing legislation that affects you both on and off duty.

We also provide many member benefits outside the obvious. While employed with the Georgia State Patrol I was part of a group insurance plan that saved me money on my car and home insurance. I compared their rates with all of the local companies in my county and it was truly a better rate. That was 12 years ago.

If you're like me, you figure insurance is insurance and they're all pretty much the same. Wrong!

Recently I decided to check into the Liberty Mutual group rates provided by your State Lodge. I wanted to compare apples to apples so I faxed my current home and car policy to our agent. To my surprise, Liberty Mutual was \$608 a year cheaper! That gave me a \$50 plus a month pay raise. And Liberty Mutual is one of the oldest and best insurance providers in the nation with coverage in all 50 states.

Another good benefit to this program is that it applies to your family and friends. As long as they mention that they were referred to Liberty Mutual by a FOP member, they get the group rate also.

We also provide scholarships, discounted cell phone rates, banking and life insurance. We provide HB 218 insurance for \$50 per year. This covers you in all 50 states.

I urge all members to visit our website at www.georgiafop.org and click on member benefits if you want to save money. These are your benefits; take advantage of them.

Carlton Stallings
President

FIRST VICE PRESIDENT

I hope that the new year is off to a good start for everyone and that you and your families are safe and healthy. At the time of this writing, the Georgia General Assembly has just completed a long and lackluster session. I am still awaiting some details before posting a final report which will be on the State Lodge website by the time you get this newsletter. I can tell you that this year's session was marked by political infighting and egos overpowering the idea of working together. This atmosphere is not conducive to good lawmaking.

On January 30, we held the second "Law Enforcement Day on the Hill" at the Georgia capital. Approximately 200 members from our GSP, GBI, DNR and DOC Lodges; Executive Board, and several local Lodges attended this event. The members were addressed by Lieutenant Governor Casey Cagle, House Speaker Glen Richardson, House and Senate Public Safety Committee Chairmen Burke Day and James Whitehead and State Lodge President Carlton Stallings. After the addresses, members fanned out around the capital and met with their individual Senators and Representatives to discuss the agenda of the State Lodge. Last year, this event led to some very positive results for our state law enforcement officers and I am certain the results from this year's large turnout will be even better. A photograph from the capital appeared in the April edition of the Grand Lodge Journal. I congratulate statewide Lodge Presidents Joey, Brown, Ben Haynes, Stan Elrod and Irvin Thompson for their work in putting this event together and their dedication to their members. And a special thanks goes to our consultant Mo Thrash for all he did for this event and his work during the session.

We are now in the process of finalizing plans for the June Board meeting on Jekyll Island and the National Conference in Louisville, Kentucky in August. I encourage every Lodge to send a representative to the Board meeting and fully participate in the operation of the State Lodge. We are a member driven organization and every Lodge's input is desired. I also appeal to our local Lodges to send a delegate to the National Conference. The event being held in Louisville will reduce the travel cost. The smaller Lodges may consider sharing rooms and travel to further reduce the cost. Attending the National Conference is not only an opportunity to see and participate in the operation of the Grand Lodge, but it affords you with training in many areas of Lodge operation and functions as well as great fellowship with members from across the country. Please give this serious consideration and I hope to see you there.

David Stone, Vice President
Legislative Chairman



Georgia Trooper Lodge #100

Sergeant First Class Dan Stephens of the Georgia Troopers Lodge during Department of Public Safety 70th Anniversary events at the Capitol. SFC. Stephens is the Post Commander of the State of Georgia SWAT Team. SFC. Stephens was showing a future team prospect the interior of one of SoG SWAT's new Bearcat armored cars.

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The Federal District court refused to throw the case out of court and held that Deputy Scott was not entitled to qualified immunity. The Eleventh Circuit Court of Appeals agreed and ordered that the case should go to a jury. The case went to the United States Supreme Court and the Court heard from the lawyers through oral argument on February 26, 2007. Oral argument before the United States Supreme Court is rare. On April 30, 2007, the United States Supreme Court reversed the Eleventh Circuit Court of Appeals and found that Deputy Scott acted in a reasonable manner even though the force he used could be classified as deadly force. A win for the good guys; the case is over and Deputy Scott has immunity.

So, what does all this mean for me in the future?

There are three warm and fuzzy moments for all law enforcement officers in this opinion. First, the United States Supreme Court took the time to watch the tape from the dash mounted video camera. They found that the tape “spoke for itself” and contradicted what Harris said through his attorneys. The Court was so impressed with the videotape, they included it as part of the official opinion. Second, the Court recognized that a perpetrator speeding through populated areas past innocent citizens poses an unreasonable threat to public safety. Because of this, they stated that a law enforcement officer who uses force to stop the perpetrator is entitled to qualified immunity when he takes reasonable efforts to stop the perpetrator in a manner that minimizes the risk to the public. This is true even when the force used by the officer is likely to cause serious bodily injury or death to the perpetrator. In the words of the Court, the public is completely innocent and must be protected; the perpetrator is far from innocent and brings the risk of injury upon himself. Finally, the Court found that *Tennessee v. Garner* was not applicable to the situation posed by a vehicular pursuit. Even though there is a likelihood of serious bodily injury or death when an officer uses a ramming technique to end a vehicular pursuit, this is not the same risk as the act of shooting a fleeing perpetrator. However, the Court was quick to state

that shooting a fleeing driver would likely go too far.

Conclusion

While *Scott v. Harris* is not an invitation to ram every violator who refuses to pull over in a prompt manner, it is clear that the use of reasonable force to end a vehicle pursuit is authorized when the perpetrator consciously places the innocent public at risk. Watch the video and you will understand the rationale behind this opinion. The Court recognized that Harris was a threat to everyone on the roadway. The Court specifically rejected the notion that calling off the chase was a viable option. They recognized that such a policy places the safety of the public in the hands of the perpetrator who cannot be relied upon to end his reckless conduct when the police end their pursuit.

The United States Supreme Court has faith in the law enforcement officers in this country. Be proud and be safe.

Lance J. LoRusso, Esq.
General Counsel
Georgia State Lodge





Fulton County Lodge #64 Shop with a Cop

was held on December 16, 2006 at the Wal-Mart in Union City, Ga. Fifty-four children were supplied with a \$250.00 gift card each. The children were selected from our local Easter Seals Centers in the metro Atlanta Area and five children were from our local community around Fulton County.

The agencies that participated were: Fulton County Marshals Office, Sheriff Police and Solicitor Investigators, College Park Police Dept., East Point Police Dept., Sandy Springs Police Dept., Dekalb County Marshals Office, and Union City Police Dept.

Easter Seals and Autism

April is Autism Awareness Month. Over the last 20 years, Easter Seals has seen a dramatic increase in the number of children and adults with autism. During Autism Awareness Month, Easter Seals is raising awareness of their autism services and treatments available to families today.

More than a generation ago, Easter Seals was front and center during the polio epidemic, working tirelessly to help children and adults with polio gain the skills they needed to live independently through medical rehabilitation and various therapies. Easter Seals is the country's leading provider of services for people with autism today.

While there is no known cause or cure, nor one single effective treatment, autism is treatable. People with autism at any age, are capable of making significant progress through personalized interventions and therapy, and can and do lead meaningful lives.

In general, research on autism is sparse, funding for research, therapy and service are inadequate, quality services especially for adults are limited, unemployment among adults with autism persists, and general knowledge and understanding gaps prevail. Easter Seals wants to change this, to make a difference for families living with autism today.



FRANK W. MOBLEY LODGE #7

Our lodge is happy to support this special group of Special Olympians from Statesboro High School. All the kids won medals and ribbons and we furnished the pizza party for them.

2007 National Conference Events

The Fraternal Order of Police's Grand Lodge is bring their National Conference for Law Enforcement officers to Louisville, Ky. and Lodge 25 is proud to be the host lodge. It will be held at the Kentucky International Convention Center, 221 4th St. on August 12-16th, 2007.

Events have been organized for the convention are:

August 12th - Easter Seals Poker Tournament: The Chicago F.O.P. Lodge 7 is sponsoring a poker tournament to raise money for Easter Seals. For every seat sold, Easter Seals will earn \$15.00. The tournament will be held at Caesar's Casino in Elizabeth, Indiana (14 miles away from the convention center), cards in the air at 1900 hours and the entry fee is \$125.00.

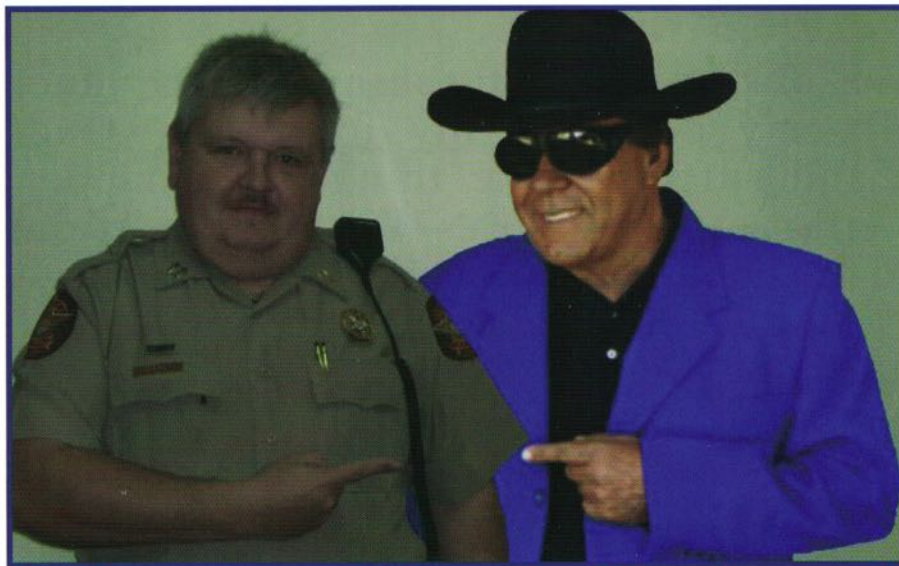
August 13-16th - Belle of Louisville River Cruise: Enjoy a trip down the majestic Ohio River on the beloved Belle of Louisville.

August 13th - Country Concert at 7:00 p.m. We'll have another enjoyable southern evening at the Convention Center as we will be entertained by the legendary Oak Ridge Boys.

August 14th - Cook-out: The Kentucky Pork Producers are grillin' up some tasty chops and all the fixins' on the Belvedere from 5:00 p.m. until 10:00 p.m. with the veal being served from 5:00 p.m. until 8:00 p.m.

August 15th - Irish Night: A night when everyone is Irish! Come enjoy as we celebrate in the traditions of the old country, a fun evening of drinks, food, and entertainment. Transportation will be provided to the Deputy Sheriffs F.O.P. #25. The event will start at 7:00 p.m.

August 15th - 2007 FORD EXPLORER GIVE-AWAY: This year a 2007 Ford Explorer will be given away by your Louisville host lodge to an active delegate or alternate delegate who has registered for the Events Package.



Comedy Concert to Benefit Northeast Georgia Lodge #105

Nationally known comedian Willie P. Richardson brings his family comedy show to the Franklin County High School Fine Arts Center on June 7th at 7:00 p.m. Known as "The Phone Prankster" to radio listeners throughout America, he prides himself on the fact that his stand-up comedy and music show is completely "clean" and acceptable to all audiences and age groups. He is heard frequently on WWMS FM in Tupelo and on thousands of other radio programs in the U.S. His comedy recordings are also featured on XM and Sirius Satellite Radio. Since 1995, more than one million of his comedy CDs has been sold and he performs an average of 80 concerts each year. He recently received the prestigious Cammy Award for "Comedian of the Year" at the Alabama Theatre in Myrtle Beach, South Carolina. His latest CD, "Still Prankin' After All These Years", is receiving nationwide airplay. He recently completed filming for a new DVD titled "Live Comedy Concert" and it will be on sale at the concert.

Advance tickets are \$12 and will be \$15 on the day of the performance. Tickets can be purchased from Northeast Ga Lodge President, Chris Looney 706-599-9504 or Secretary, Brooke Adamski 706-436-2176. For more information call or see Willie's website at www.worldwidewillie.com

Lodge Information Screen

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Lodge information for: Update This Lodge
Print Lodge Entry/Contact

Test Lodge
Lodge # 1057 Tugard, GA
Standing Current

Contact Information

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TUGARD, OR 97223 Office

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Office (503) 555-1235 Office

E-Mail:

Contact (Other than lodge officers)

Lodge Officers:

Local Executive Staff: ANYA KING Local Officers:

Local Secretary: MARK FITZGERALD Local Executive Staff:

Local Secretary:

Incorporation Information

Federal E# 12 3456789

Date Inseal 07/01/2005

Incorporation Date 07/03/2005

Incorporation State Unknown

Incorporation # 55443322

Next Incorp. Renewal 07/01/2007

Membership Information

of Members 12

Current Standing Current

National Fraternal Order of Police Launches New Web Site

The new system will allow each member to update their personal information and sign up for a free email address. The new system can be located at www.fop.net. Your Local Lodge Secretary can now conduct lodge business by adding new members and updating lodge information. Once a member changes their personal information the changes go to the Local Secretary for their approval. Once the Local Secretary approves it then goes to the State Lodge Secretary for approval then to the National Secretary's office for approval. Remember it takes time for the changes to show up on the screen as the change will not appear until approved. It should take about three weeks.

Now you have observed my teaching, my conduct, my aim in life, my faith, my patience, my love, my steadfastness, my persecutions and suffering the things that happened to me in Antioch, Lconium, and Lystra. What persecutions I endured! Yet the Lord rescued me from all of them. Indeed, all who want to live a godly life in Christ Jesus will be persecuted. But wicked people and impostors will go from bad to worse, deceiving others and being deceived. But as for you, continue in what you have learned and firmly believed, knowing from whom you learned it, and how from childhood you have known the sacred writings that are able to instruct you for salvation through faith in Christ Jesus. All scripture is inspired by God and is useful for teaching, for reproof, for correction, and for training in righteousness, so that everyone who belongs to God may be proficient, equipped for every good work.

R.E. Orr

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STD LETTER
POSTAGE
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ELLIJAY, GA