

# P.U.N.



Police Union News

Spring 2018

## Police Week - Honoring Fallen Heroes



International Union of Police Associations  
Speaking with one Voice, Moving with one Purpose

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This is [YOUR](#) Newsletter!

Do you have a photo or story you would like to share with the entire I.U.P.A. Membership? An officer you want to honor with special recognition? Is your Local opening a new facility or celebrating an important anniversary?

If so, we'd like to hear from you! Send us your photos or story ideas and you may see yourself in the pages of our newsletter.

Call us at 1-800-247-4872 or email to: [iupa@iupa.org](mailto:iupa@iupa.org)

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# National Police Week 2018



On October 1, 1962, President Kennedy signed a proclamation that designated May 15 as Peace Officers Memorial Day and the week during which May 15 falls as Police Week. In 1982, the Memorial Service began as a gathering of 120 survivors. It has now grown to tens of thousands of attendees from the law enforcement community, both from within the U.S. and across the world, who participate in events that span throughout National Police Week to honor those who have made the ultimate sacrifice. Below are the scheduled events for this year.

## Schedule for 2018

<b>Tuesday, May 1, 2018</b>	Annual Blue Mass
<b>Monday, May 7, 2018</b>	Washington Area Law Enforcement Memorial Service
<b>Friday, May 11, 2018</b>	1st Annual Police K-9 Memorial Service
<b>Saturday, May 12, 2018</b>	Police Unity Tour Arrival Ceremony National Police Week 5K
<b>Sunday, May 13, 2018</b>	30th Annual Candlelight Vigil
<b>Monday, May 14, 2018</b>	National Police Survivors Conference and C.O.P.S. Kids/Teens
<b>Tuesday, May 15, 2018</b>	37th Annual National Peace Officers' Memorial Service Washington Nationals Law Enforcement Appreciation Night
<b>Wednesday, May 16, 2018</b>	National Police Survivors Conference and C.O.P.S. Kids/Teens Washington Nationals Law Enforcement Appreciation Night

# A Message from the President

Sam A. Cabral, International President



Once again, as a Law Enforcement Community, we gather together in order to remember our fallen heroes and comrades. It is during this period that all of us at the International first remember why we do the work that we do and secondly, it is a strong reminder for us to know that as The International Union of Police Associations we have to “keep doing more,” to protect and defend our brothers and sisters in law enforcement. As most of you are aware, at the International and through our Law Enforcement Officers Relief Fund, Inc., we continue to provide assistance to the families of our officers who are killed in the line-of-duty and everything stops at the International in order to provide that assistance.

Our assistance also continues through various avenues. Two such groups that we support financially every year are highlighted in this edition of the Police Union News. Those two organizations being C.O.P.S., The Concerns of Police Survivors, and The NLEOMF, The National Law Enforcement Officers Memorial Fund and Museum. From the International’s standpoint, we know the work that C.O.P.S. does for the surviving families of officers killed in the line of duty and we are very proud to continue to support their charitable and compassionate efforts to assist survivors in learning to cope with their terrible losses.

In addition, as Executive Vice President Emeritus Dennis Slocumb highlights in his update, we also continue to be a longstanding partner with the National Law Enforcement Officers Memorial and Museum. I have worked alongside NLEOMF’s CEO Craig Floyd for over 30 years and I know of his personal compassion and commitment to our law enforcement community. There is no better person that we could have had over the years spearheading the Memorial and Museum projects. This is why we continue as an organization to personally and financially support their endeavors. But as the leading organization representing officers as a union, not as a fraternal, social group, it is our responsibility to continue to do more. Recently, Craig Floyd forwarded me copy of an article from the April 11, 2018, USA Today newspaper, entitled, “Silence can

be deadly’: 46 officers were fatally shot last year. More than triple that – 140 – committed suicide.” I don’t know about you, but to me, these figures are beyond alarming; they are something that all of us in law enforcement must work hard to combat and prevent immediately.

According to the article, the data was collected and compiled into a study by the Ruderman Family Foundation. It reports that there is “not enough conversation about mental health within police and fire departments,” and that it is the “level of secrecy around these deaths, which really shows the stigmas,” associated with the problem. The study further cites that some of the root causes may relate directly to Post Traumatic Stress Disorder (PTSD), which is something that the I.U.P.A., in conjunction with the Law Enforcement Officers Relief Fund, Inc., is currently working on through its Member Assistance Program (MAP). As Dennis Slocumb, the Committee Chairman, discusses in his article, this Committee seeks real change in fighting the stigmas against those seeking mental health assistance in the law enforcement arena. This is something that we must all work together to combat in order to further save the lives of our brothers and sisters.

Another continued enhancement in protecting officers is our Legal Defense Fund. Recently, we hosted a national training seminar on the “use of force,” which was conducted by Mr. Paul Taylor from Force Science, Ltd. In today’s day and age, if an officer does not have some legal defense coverage behind him or her and is only counting on their Department to protect him or her when they are being investigated or sued, then obviously they are not watching the news or staying aware of current events. It is imperative that all of us continue to talk to fellow officers that do not have the coverage and remind them that if they are involved in a shooting that goes to the initial phase, then they will need a plan to personally pay for the costs of the legal counsel, expert witnesses, and the research needed to defend such a case.



# A Message from the President

Sam A. Cabral, International President

Believe me, there are not many officers that can afford the hundreds of thousands of dollars that is needed to defend a case to prove their innocence or protect their personal assets from a civil suit. For more information on the Legal Defense Fund, read General Counsel Holly Van Horsten's article and reach out to us at the International for more information on the coverage.

All of our members are well trained and capable of surviving a critical and sometimes deadly event. The I.U.P.A. is constantly working to make certain that Law Enforcement Officers have the tools available to survive the financial, legal, and emotional aftermath of such a life altering incident.

In summary, as we all come together during National Police Week from around the country let us join together in order to remember fallen officers whose names are being read at the 30th Annual Candlelight Vigil for Fallen Officers on the National Mall in Washington, D.C. being held on May 13, 2018. Let's all pledge to continue to educate, to train, and to fight together until no names need to be added on the Wall on Mother's Day.

**Stay Safe, Stay United, and Stay Strong.**

With my profound respects,

Sam A. Cabral

# Dollars & Sense

Hugh J. Cameron, International Secretary-Treasurer



## New Tax Law, Bringing Big Changes for Individual and Corporate Taxpayers

With the 2017 tax year coming to a close, we turn our thoughts and attention to preparation for the 2018 tax year. The following article was provided by CBM, a professional services firm that delivers professional audit, tax, accounting, financial planning, and business advisory solutions.

### Personal exemptions and standard deduction

For 2018–2025, the TCJA suspends personal exemptions but roughly doubles the standard deduction amounts to \$12,000 for singles and separate filers, \$18,000 for heads of households, and \$24,000 for joint filers. The standard deduction amounts will be adjusted for inflation beginning in 2019.

For some taxpayers, the increased standard deduction could compensate for the elimination of the exemptions, and perhaps even provide some additional tax savings. But for those with many dependents or who itemize deductions, these changes might result in a higher tax bill — depending in part on the extent to which they can benefit from the family tax credits.

### State and local tax deduction

The deduction for state income and sales taxes was another bone of contention, with congressional representatives from high-tax states protesting its proposed elimination. The deduction ultimately survived but has been scaled back substantially — and, of course, is available only to those who choose to itemize. With the increased standard deduction, it's expected that fewer taxpayers will do so.

For 2018–2025, taxpayers can claim a deduction of no more than \$10,000 for the aggregate of state and local property taxes and either income or sales taxes. Note, though, that taxpayers are now explicitly forbidden from claiming an itemized deduction in 2017 for prepayment of state or local income tax for a future year to avoid the dollar limitation applicable for future tax years. It doesn't, however, include such a prohibition against prepayment of property taxes for a future year.

### Family tax credits

The child tax credit doubles to \$2,000 per child under age 17 beginning in 2018. The maximum amount refundable (because a taxpayer's credits exceed his or her tax liability) is limited to \$1,400 per child.

The child credit will be available to more families than in the past. The new law more than doubles the levels at which the credit is phased out until adjusted gross income exceeds \$400,000 for married couples or \$200,000 for all other filers, compared with 2017. The phaseout thresholds won't be indexed for inflation, though, meaning the credit will lose value over time.

Beginning in 2018, there is a \$500 nonrefundable credit for qualifying dependents other than qualifying children (for example, a taxpayer's 17-year-old child, parent, sibling, niece or nephew, or aunt or uncle). These provisions all expire after 2025.

### Mortgage interest deduction

The TCJA tightens limits on the itemized deduction for home mortgage interest. For 2018–2025, it generally allows a taxpayer to deduct interest only on mortgage debt of up to \$750,000. However, the limit remains at \$1 million for mortgage debt incurred before December 15, 2017, which will significantly reduce the number of taxpayers affected.

The new law also suspends the deduction for interest on home equity debt: For 2018–2025, taxpayers can't claim deductions for such interest at all, regardless of when the debt was incurred or how it's used.





# Dollars & Sense

Hugh J. Cameron, International Secretary-Treasurer

## **Additional deductions, exclusions and credits**

Here are some other tax breaks that have been affected by the TCJA:

**Medical expense deduction.** This itemized deduction lives on and is, in fact, enhanced for two years. The threshold for deducting such unreimbursed expenses is reduced from 10% of adjusted gross income (AGI) to 7.5% for all taxpayers for both regular and alternative minimum tax (AMT) purposes in 2017 and 2018.

**Miscellaneous itemized deductions subject to the 2% floor.** This deduction for expenses such as certain professional fees, investment expenses and unreimbursed employee business expenses is suspended for 2018–2025. If you're an employee and work from home, this includes the home office deduction.

**Moving expenses.** The deduction for work-related moving expenses is suspended for 2018–2025, except for active-duty members of the Armed Forces (and their spouses or dependents) who move because of a permanent change of station. Similarly the exclusion from gross income and wages for qualified moving expense reimbursements is also suspended except for active-duty families.

**Personal casualty and theft loss deduction.** For 2018–2025, this deduction is suspended except if the loss was due to an event officially declared a disaster by the President.

### **Charitable contributions.**

For 2018–2025, the limit on the deduction for cash donations to public charities is raised to 60% of AGI from 50%. However, charitable deductions for payments made in exchange for college athletic event seating rights are eliminated. Only available to those who itemize.

**Alimony payments.** After 2018, alimony payments won't be deductible — and will be excluded from the recipient's taxable income. Because the recipient spouse would typically pay income taxes at a rate lower than the paying spouse, the overall tax bite will likely be larger under this new tax treatment. This change is permanent.

## **529 plan savings plans.**

529 plan distributions used to pay qualifying education expenses are generally tax-free. The definition of qualified education expenses has been permanently expanded to include not just postsecondary school expenses but also primary and secondary school expenses.

## **AMT and estate tax**

The House lost the battle over repeal of the AMT and the estate tax — both continue to apply. But they now apply to fewer taxpayers than in the past.

Notably, the TCJA leaves untouched many breaks that would have been reduced or eliminated under the original House or Senate bills, such as the:

- Principal residence gain exclusion,
  - Exclusion for employer-provided adoption assistance,
  - Lifetime Learning credit,
  - Deduction for student loan interest, and
  - Deduction for graduate student tuition waivers.
- Also on the plus side, the law suspends the overall limitation on itemized deductions for 2018–2025.



Morris, R. (2017, December 22). New Tax Law, Bringing Big Changes for Individual and Corporate Taxpayers [Web log post]. Retrieved April 24, 2018, from <https://www.cbmcpc.com/new-tax-law-changes-individuals-corporate-taxpayers/>



*Rebuilding the shattered  
lives of America's  
surviving law enforcement  
families and co-workers  
since 1984.*



C.O.P.S. programs for survivors include the National Police Survivors' Conference held each May during National Police Week, scholarships, peer-support at the national, state, and local levels, "C.O.P.S. Kids" counseling reimbursement program, the "C.O.P.S. Kids" Summer Camp, "C.O.P.S. Teens" Outward Bound experience for young adults, special retreats for spouses, parents, siblings, adult children, extended family, and co-workers, trial and parole support, and other assistance programs.





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# Don't Just See It. Experience It.

The National Law Enforcement Museum is dedicated to telling the story of American law enforcement by providing visitors a “walk in the shoes” experience. The Museum is working to expand and enrich the relationship shared by law enforcement and the community through educational journeys, immersive exhibitions, and insightful programs.



## Opening Fall 2018

Located across the street from the National Law Enforcement Officers Memorial.

## Now Booking Group Tours

Make your reservation now for groups of 10 or more.  
202.737.8531 or [GroupTours@nleomf.org](mailto:GroupTours@nleomf.org)  
[www.LawEnforcementMuseum.org](http://www.LawEnforcementMuseum.org)



**National Law  
Enforcement  
Museum**

at the **Motorola Solutions  
Foundation Building**



# Experience The New National Law Enforcement Museum

In the heart of downtown, Washington, D.C., the exciting new National Law Enforcement Museum at the Motorola Solutions Foundation Building is about to make its debut. Opening this fall, this immersive new Museum offers visitors a one-of-a-kind, “walk in the shoes” experience of what its like to be a law enforcement officer.

Visitors from all walks of life will get the chance to discover the many facets of American law enforcement through educational interactive exhibits and workshops that delve into everything from the meticulous and messy world of forensics and DNA analysis to how law enforcement is portrayed in pop culture.

They’ll hear real-life, first-hand accounts of what it’s like to be an officer in our Officers’ Stories exhibit, perhaps take part in an active-shooter training simulation or determine what it’s like to make split-second, life-altering decisions in a 9-1-1 emergency call center simulation. Take the Case lets visitors test their analytical and critical-thinking skills by weighing the evidence and role-playing in an interrogation room.

The Museum features a world-class collection of more than 20,000 artifacts that depicts American law enforcement, historic events and pop culture. Each object helps illustrate the important role American Law Enforcement plays in society, as well as its invaluable contribution to American history.

With a mission of helping strengthen the relationship between law enforcement officers and the communities they serve, the Museum also offers a host of educational and community programs for visitors of all ages. The Witness to History program provides visitors with a first-hand account of significant, history-making events from those who were there. Leaders in Law Enforcement takes visitors behind the badge with first-hand narratives from distinguished and notable law enforcement professionals.

Intimate and engaging forensics camps foster Science, Technology, Engineering and Math (STEM) skills, while the Museum’s activity carts, online educational resources and virtual classrooms make the Museum a destination for educators.

Located just steps from the National Mall and some of our country’s most noted landmarks, the Museum is a must-do stop on any visit to Washington, D.C.. The 57,000 square foot facility is adjacent to the National Law Enforcement Officers Memorial. Fallen heroes are remembered inside the Museum in the beautiful Hall of Remembrance, a reflective space where visitors can leave a tribute to a fallen officer.

The Museum offers group tours (10 or more visitors), guided and self-guided tours and special membership programs, including Stand with Honor, an exclusive membership program for law enforcement officers and their families. Membership options start at just \$100 and include lifetime unlimited Museum admission.

To learn more about the National Law Enforcement Museum and sign up for the Museum Insider newsletter, visit: [www.LawEnforcementMuseum.org](http://www.LawEnforcementMuseum.org)

By: National Law Enforcement Museum



**National Law  
Enforcement  
Museum**

# Washington Report

Dennis Slocumb, Legislative Director



Police week is here. The I.U.P.A., and President Cabral have been involved as members of the Board of Directors with the National Law Enforcement Memorial Fund since its inception in 1991. I serve on the Name's Committee, reviewing the circumstances of Law Enforcement deaths to determine whether or not these men and women will be honored with their names on the wall. It is a painful task which none of the committee members take lightly.

During Police Week, there is the Candlelight Vigil, when the names added each year are honored. Some of them are historic names that were forgotten or omitted in the past, some dating back into the 1800's. The NLEOMF staff does heroic and painstaking research on each and every name considered by the committee. Each name added that year is read from the dais during the vigil. Three hundred and sixty names will be added this year.

In the audience and up front are the survivors, many of whom are young children, some wearing their lost one's uniform jacket; each of them facing a lifetime without their mother or father. We see older people and know they lost a son or daughter, maybe a husband or wife. No one reading those honored names can help but visualize their own children, parents or spouses sitting in those seats. It is a gut wrenching experience.

**“Sadder still is the absolute certainty that the year coming will be no different.”**

As painful, but largely unrecognized are the Law enforcement Officers who die at their own hands, gravely wounded, but with invisible scars, by the experiences they have endured in the line of duty. Their numbers are harder to come by, but we are certain there are more of them that those murdered by assailants. We have no data at all on retirees whose fates are sadly similar.

Early last year, it became apparent that law enforcement was, and had been, facing another crises that they were not adequately prepared for; that of the emotional and mental aftermath of these incidents. Alarmingly, we knew that today's police officer, deputy sheriff, and correction officer was far more likely to die at their own hands than at the hands of an assailant. The numbers of police suicides were difficult to come by and those of retirees nearly impossible to calculate.

Seeing the need, President Cabral formed a committee to investigate the problem and make recommendations. On the committee are attorneys, union leaders, mental health professionals, police suicide experts, a representative of an insurance provider, and a researcher. Their mandate was to study police suicides, PTSD issues, current peer support programs, prevention, and treatment of emotional issues before they reached a critical and fatal stage.



# Washington Report

Dennis Slocumb, Legislative Director

The committee is attacking the problems on a number of fronts. They are:

- Researching and finding a viable framework for peer support programs that can ease the burden on officers experiencing difficulties with issues they encounter on the job.
- Providing a syllabus for training officers coming into the profession so that they have knowledge of what they might encounter and what their likely emotional response might be.
- Providing a syllabus for attorneys to prepare officers for these predictable issues. These attorneys should be the first persons to speak at length with officers following critical encounters.
- Providing a framework for a program that both gives officers experiencing emotional difficulties access to mental health professionals without jeopardizing their careers or reputations.
- Locating and obtaining a benefit that can provide private counselling to members independent of their employers on an “as needed” basis.
- Exploring the viability of obtaining a grant to further this study pursuant to those made possible by the enactment of the Law Enforcement Mental Health and Wellness Act of 2017.

It is anticipated that many of these goals will be realized by the end of 2018. As these programs are developed, they will be trial tested in small markets to explore their successes or shortcomings.

We will keep you apprised of developments as we move forward.

**Keep up-to-date on Legislation by emailing:  
[dslocumb@iupa.org](mailto:dslocumb@iupa.org)**

# Legal Defense Fund Update

In this day and age, all law enforcement officers need a strong legal defense behind them should a situation arise. When responding to a scene at 2:00 a.m., an attorney representing an officer, already begins to think of the need for use of force and other experts that will be needed to further defend and exonerate the officers. This is even more true when the cell phones of bystanders only capture a very limited view of the scene or merely the last five seconds of the incident without the video that led up to the incident that would have put the event in the proper context.

The Bureau of Justice Statistics (BJS) jointly with the National Institute of Justice (NIJ) recently published, "Use of Force by Police Overview of National and Local Data." In less than 1% of police encounters did officers use or threaten force. 80% of arrests which involved force, involved weaponless tactics. A mere 0.2% of face to face encounters between police and citizens involved firearm use, yet the media report on them daily as though they are rampant.

**"The most effective safeguard of all, however, is to sign up for LDF and ensure that you have total coverage for acts or omissions within the scope of your employment."**

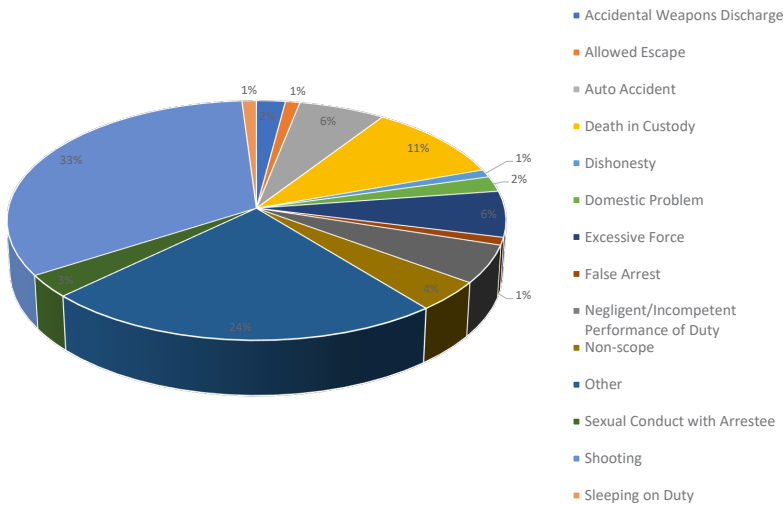
The perfect storm of this media frenzy combined with pressure from politicians who feed into the sensationalism in exchange for votes have led to the demonization and prosecution of officers at a disproportionately high rate, even years after they had previously been believed to have behaved justifiably. The I.U.P.A. has watched this disturbing trend unfolding and responded by offering the Legal Defense Fund (LDF) in order to provide a safety net to protect our members from falling prey to these dangers facing law enforcement today.

In the chart pictured, you will see the prevalence and types of cases against defendants in LDF cases within the last six months. Shootings are the leading cause by far at 32 instances. There has also been an increase in death in custody cases. Officers are strongly urged to review their department policies related to drugs and the health of persons in custody. It is also important to safeguard against charges like dishonesty by thoughtfully and carefully making certain that all statements are entirely accurate, especially when being recorded. The most effective safeguard of all, however, is to sign up for LDF and ensure that you have total coverage for acts or omissions within the scope of your employment.



# Legal Defense Fund Update

## Legal Defense Fund



Accidental Weapons Discharge	2
Allowed Escape	1
Auto Accident	6
Death in Custody	10
Dishonesty	1
Domestic Problem	2
Excessive Force	6
False Arrest	1
Negligent/Incompetent Performance of Duty	5
Non-scope	4
Other	23
Sexual Conduct with Arrestee	3
Shooting	32
Sleeping on Duty	1
<b>Total</b>	<b>97</b>

Updated April 17, 2018

It is due to this commitment to our members and our desire to further enhance their legal defense, both in criminal and administrative settings, that the I.U.P.A. and the Law Enforcement Officers Relief Fund (LEORF), focused on use of force in our 2018 Attorney and Local Leader Conference in Santa Fe, NM, entitled, “Enhancing Representation of Law Enforcement Officers in ‘Excessive’ Use of Force Cases.”

### Topics included:

- Critical Incidents – The most cutting edge advice and considerations
- Understanding suspect provocation and officer response
- PTSD, EAPs, and other benefits to consider
- Police Officers Bill of Rights – Crucial changes to 2018 filing and paperwork
- Investigating, reconstructing, recalling, or otherwise analyzing a use of force event

# 2018 Legal Conference Update



## 2018 Conference Speaker Paul Taylor

Force Science Institute, Ltd.

The goal of the conference was to encourage law enforcement professionals to apply the important concepts revealed in this research when investigating, reconstructing, recalling or otherwise analyzing a use of force incident. The integration of this information has been proven to enhance the accuracy and thoroughness of decisions made relative to behavior and performance during the incident.

During the presentation, Mr. Taylor took the conference attendees through an in depth forensic analysis of each of three separate use of force incidents. He explained how psychological and physical science can better inform knowledge of an event. For instance, the influence that speed of light and sound, distance, and angle/view have tremendous impact on our perception of an event. The speed in which something occurs also significantly influences our perception of it and when videos are slowed down to frame by frame moments, a much fuller understanding of an event can be found.

Force Science uses Biodynamics Engineering, Inc. for their forensic analysis needs who charge between \$5,000 and \$30,000 for each. The cost can vary, depending upon the number of bullets, whether specialists must be consulted, the length of time it takes for each person to execute a particular action, the number of videos available and their vantage points, and other factors. Those defending officers in use of force cases should strongly consider the value of a forensic analysis of the footage available. \$5,000 to \$30,000 is a small price to pay when defending someone's life.

**“The real need for the I.U.P.A. Legal Defense Fund comes when an officer needs to defend themselves.”**





## Change in Firearm 'Loaner' Policy Negotiable

The International Union of Police Associations (I.U.P.A.) represents approximately 1,300 deputies and sergeants employed by the Broward County, Florida, Sheriff's Department. The Department requires its sworn employees to carry firearms while on duty and the Sheriff encourages them to carry backup firearms. The Department does not provide firearms to the deputies to carry while on duty. An approved duty firearm, extra magazines, a secondary holster and night sights cost approximately \$1,000.

Since at least 1985, the Department has maintained a practice of providing loaner firearms to deputies for use in the performance of their official duties. The Sheriff obtains the firearms from a variety of sources including found property and donated firearms. Many deputies have kept their loaned firearms for a substantial portion of their careers.

In 2016, the Department unilaterally changed its loaner program. Under the new rules, loaner firearms were only available if "a deputy is involved in a shooting; and the deputy's personal firearm is inoperable and while repairs are being made." The new rules also required deputies with loaner firearms to return them.

I.U.P.A. filed an unfair labor practice complaint, alleging that the change in the loaner program amounted to a breach of the obligation to bargain in good faith. Florida's Public Employment Relations Commission agreed, and upheld the complaint.

The Commission found that "there are few things more fundamental to the relationship between the Department and its deputies than whether the Department will provide deputies with access to a duty firearm and whether a deputy must spend his or her own money to purchase a fundamentally necessary piece of equipment for performance of required duties. The hearing officer's facts support the Union's contention that the Sheriff had an unequivocal policy of loaning firearms to deputies that had existed substantially unvaried for a significant period of time (since 2002), and in April 2016, the deputies could reasonably have expected the practice to continue unchanged.

"This meets the Commission's standard for establishing a past practice: (1) the practice must be unequivocal; (2) in existence substantially unvaried for a significant period of time and (3) the bargaining unit employees could reasonably have expected the practice to continue unchanged. Thus, we agree with the hearing officer that the Sheriffs' firearms loaner policy, that is, loaning a firearm to the deputies for official duties, constituted the *status quo*. Consequently, the Department violated its bargaining obligation when it unilaterally changed the firearms loaner policy by restricting the circumstances under which it would loan a firearm."

The Commission then turned to the question of the appropriate remedy. The Commission held that "the remedy in a unilateral change case is to return the parties to the *status quo ante* immediately preceding the unlawful unilateral change. Thus, the Sheriff is directed to re-establish the firearms loaner policy in effect immediately prior to unilateral change to that policy on April 12, 2016."

*I.U.P.A. v. Sheriff of Broward County*, 44 FPRE 17 (Fla. PERC 2017).

Change in Firearm 'Loaner' Policy Negotiable. (2017, October). Public Safety Labor News, 8.



## Get Started Today!

As a dues-paying I.U.P.A. Member, you have a no-cost Accidental Death & Dismemberment Benefit (AD&D) provided through AIL. You can now indicate your beneficiary by going to: [MYBENEFITS.AILIFE.COM](http://MYBENEFITS.AILIFE.COM). Simply type in “IUPA” and provide the information as needed.

Members who reply will be contacted by an AIL representative to deliver their certificate of coverage and discuss other supplemental insurance programs available.



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# 2018 Local Benefits & Partnerships

## -Provide Educational Savings for your Local-

Cat Moriarty, I.U.P.A. Marketing Director



As we move into 2018, the International has some new and resourceful benefit discounts provided by our business partners such as, Union Plus, Heroes Vacation Club, ULLICO (Cyber Security Insurance), and more. I truly believe one of the most significant benefits for our Members and their families is the ability of pursuing a higher education at a “**No Out-of-Pocket Cost**” towards an Associate Degree.

Recently, an email blast with access to a detailed flyer about the program was sent to all Local Leaders as our intent was to build awareness that this program is now available through [www.freecollege.iupa.org](http://www.freecollege.iupa.org).

This educational opportunity is a futuristic concept whereas the East Gate Community College (EGCC) will provide guidance through an **enrollment advisor** that will assist in making sure that **I.U.P.A. Members and their families** choose the courses they need to move forward in their educational endeavors through their promise of “**No Out-of-Pocket Costs.**”

Once registration and the required documents are submitted in the online access form, any remaining dollar difference after what is obtained by EGCC such as, Federal Grants, to fund courses, tuition, fees, and ebooks will be covered by a “**last-dollar scholarship**” from EGCC!

By the way, the **enrollment advisor** is assigned to anyone when they register whether they are taking the courses immediately or just waiting for the perfect time.

So, why should a member pay for an Associate Degree which is usually required in order to pursue a Bachelor's Degree or any other Specialty Degree? Also, as a Law Enforcement Officer, the State approved Training and Certification actually puts our members ahead of the program since they may be eligible up to 33 credits!

Help Your Members and their Kids, Grandkids, or other Family Members and pass on this great news to them Today!



**I.U.P.A. Members and their families can earn an Associate Degree with NO out-of-pocket cost.**

# Walk Through - Yes, No, or Maybe

Steven J. Sondergaard, Esquire and Professor of Criminal Justice



The job of the modern law enforcement officer is fraught with dangers. Often the officer is required to work in darkness, or low-light conditions. (N1) The officer and suspect may be the only people in the area (N1). When an incident occurs, it is our duty to assist the officer, protect the evidence and provide a detailed and accurate account of the incident.

The question that is posed is whether a walk-through of the critical incident is required of the officer. The question begs of complex issues that hinge on legal procedural issues. In addition, one needs to consider the timing of the walk through and whether a collective bargaining agreement or departmental policy dictates this occurrence.

As all of you know, each crime is unique. There will be the primary scene of the incident with the possibility of a secondary scene dependent on the circumstances. The crime scene may be subject to degradation due to inclement weather or temperature. First and foremost, officers must protect the evidence and collect it immediately.

The literature offers three (3) general options for an agency whose officers have been involved in an officer involved shooting. First, there is the walk through that must be a general overview of the scene. Officers must avoid contamination or otherwise disturbing any of the evidence at the crime scene. This option may help officers prepare the initial documentation of the scene, but have major legal and procedural pitfalls (N2). Questions must be asked of why is a walk-through being completed, and what type of investigation is taking place. Should any statements be given by the officer, the question must be asked if this is part of a criminal, civil, or administrative investigation. Each has their own legal rights and requirements and ramifications should statements or a walk-through be made.

When the Agency has the officer involved shooting scene secured, the officer may consider a short and concise debriefing by the crime scene investigator. The officer should contact legal counsel as soon as possible. A meeting with legal counsel should occur prior to the initial debriefing. The attorney will have information he may have gathered to examine any legal issues that may be present. In addition, this may minimize any memory/amnesia issues that may be present. This statement is important because it is covered under the attorney/client privilege. (N3)

If legal counsel considers that a walk-through is needed, it should not be video recorded. The walk-through may be treated as recollection refreshed to lead to a more complete interview. Any interviews should not occur until at least 24-hours and a complete sleep cycle of the individual officer is completed. (N3)

Second, an agency may decline a walk through. This may be based on several factors. Videos are discouraged. Videos and digital reproduction are not a reenactment of the incident. The paths through a crime scene may disturb evidence. There may be state law or a collective bargaining agreement that prohibits the walk through. Much caution should be used of any video or audio. These pieces of evidence may be used in a civil hearing to impeach the officer in the civil discovery process. Also, it may be used as evidence to determine the emotional state of the officer. (N4)

There is a third, more recent development in this area. This protocol has been offered as a hybrid to agencies. Force Science and the Scottsdale Police Department formed a compromise, or hybrid, to accepting or declining the walk through after an officer involved shooting. An officer is interviewed at the scene a short time after the incident. A brief statement and 360 degree photographs are obtained. The officer is then released to a "relaxed area". Later, when the officer is available, he is taken to the



# Walk Through - Yes, No, or Maybe

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crime scene where an audio statement is obtained. The chief criminal investigator, the officer's personal attorney, union attorney, and the district attorney are present for this event. This appears to be a healthy compromise in light of all of the legal procedural issues that are presented after these events. (N5)

The concept of the walk-through following an officer-involved shooting is peppered with pitfalls. Officers and agencies should contact legal counsel immediately upon any critical instance, such as this, so that proper decisions are made prior to any statements, walk-through procedures, or any other investigative measures.

## References:

(N1)(LoRusso) When Cops Kill (2012)

(N2)Crime Scene Investigation, [www.nfstc.org](http://www.nfstc.org)

(N3)(Sullivan) 25 Widener L.J. 195 (2016)

(N4)Officer Involved Shooting, COPS/IACP (2016)

(N5)(Larson) PoliceOne.com News, Innovated OIS protocol Blends Interview and Walk-through Processes, March 3, 2014



# Law Enforcement Garrity Rights

Dan Wagner, Vice-President Region 7



Every day thousands of police officers across the United States utilize their knowledge of the law to maintain order for those they were sworn to protect. Unfortunately, many are not aware of case law that protects them in their work environment. Garrity vs New Jersey is one of the most important rulings safeguarding officers in possible criminal cases. The 1961 incident involved six officers from Bellemawr and Barrington, New Jersey. They were accused of ticket fixing and were facing an internal administrative investigation. When interviewed, they were informed that their forthcoming statements could be used against them for criminal charges and they did not have to cooperate. The officers were informed that if they did not cooperate, they would be terminated.

Under the pressure of possible termination, the officers answered incriminating questions which were then used against them to file criminal charges. The officers were subsequently convicted and lost their appeal to the New Jersey Supreme Court. The United States Supreme Court heard the appeal of Officer Edward Garrity in 1967. The Majority opinion written by Justice Douglas found that the officers were compelled to testify against themselves under threat of removal from office. This constitutes coercion and violates the Fourteenth Amendment due process clause as well as Fifth Amendment protection against self-incrimination. Their convictions were subsequently overturned.

The case created the Garrity Warning which is administered by the internal investigators to officers who are subject to administrative investigations. It is important in today's politicized world of policing that officers understand their basic rights. Garrity Rights are similar to the Miranda Warning we recite every day to suspects we arrest. Any statement that is coerced cannot be utilized against them. Answering questions without any threat of consequence for not cooperating could potentially place an officer on the wrong side of a jury.

Most contracts have a Bill of Rights or Due Process sections laying out the rights of officers in any internal investigation. The contract should address that any officer facing an internal investigation should be first warned that his refusal to cooperate and answer questions could lead to departmental charges. Those who don't have contracts should inquire as to the consequences should they not participate. Each officer I represent is issued a laminated card with the wording I would like to see on any written statement they are ordered to produce during a disciplinary investigation. The language on the card reads as follows:

## RESPONSE TO DEPARTMENTAL INVESTIGATION

*On \_\_\_\_ (date), \_\_\_\_ (time), at \_\_\_\_ (location), I have been directed to submit this report by \_\_\_\_ (name and rank). This report is being submitted as a condition of employment and non-compliance on my part could subject me to disciplinary sanctions for insubordination.*

*I retain the right to amend or change this record upon reflection to correct any unintended errors without subjecting myself to a charge of untruthfulness.*

*I reserve for all other purposes my Constitutional Rights under the fifth, sixth, and fourteenth Amendments to the United States Constitution as well as all other rights prescribed by law. In conclusion, this report is given under the legal doctrines set forth in Garrity vs New Jersey, 385 U.S. 492 (1967)*

**An exceptional knowledge of criminal law should also be coupled with knowing your own rights.**



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# L.E.O.R.F. Golf Classic 2018



**LEORF**  
LAW ENFORCEMENT  
OFFICERS RELIEF FUND

The 9th annual Law Enforcement Officers Relief Fund Golf Classic is scheduled for October 22, 2018.

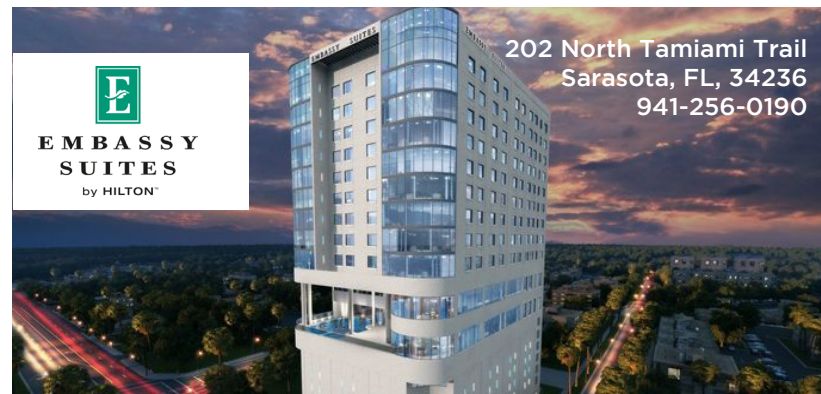
The Law Enforcement Officers Relief Fund was created to provide support and resources to officers and their family members who have suffered loss as a result of disaster, violence, injury, or any other calamity. Last year we had over 140 golfers participate in this great event!

Reserve your spot today! To learn more about Law Enforcement Officers Relief Fund please visit:

**[WWW.LEORFGC.ORG](http://WWW.LEORFGC.ORG)**

## Standard Room - \$159

Stay at the new Embassy Suites by Hilton Sarasota. This all-suite downtown hotel, located in Sarasota's cultural hub, is in walking distance of the area's vibrant restaurants, as well as within minutes of Lido and Siesta Key beaches. Nearby attractions include Sarasota Convention Center, Ringling Fine Arts Museum & performing arts venues.



**Rooms Include:** Full breakfast buffet; nightly 2 hr manager's reception to include cocktails & appetizers; all guest rooms are suites with a mini fridge, microwave, & wet bar; complimentary wi-fi internet access; discounted valet parking; no resort fee and spa.

Please email [info@leorf.org](mailto:info@leorf.org) or call 1-800-247-4872

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# Edward J. Kiernan Memorial Scholarship



Every year, the I.U.P.A. selects students with future career goals that can benefit law enforcement for an award to help them with the costs of attending an academic institution.

The Edward J. Kiernan scholarship was established in 1999 by Sam A. Cabral, I.U.P.A.'s current President. The scholarship honors Edward J. Kiernan, a New York City Police Officer and former I.U.P.A. President in recognition of Eddie's long commitment to the improvement of law enforcement officers' and their families' lives. When asked about the reason he created the scholarship, Cabral said, "The future of our society rests in the hands of young people dedicated to careers serving the public interest with public safety being critical to a stable and successful society. We have an obligation to future generations to support those efforts."

**In order to be eligible for the scholarship, applicants must meet the following criteria:**

- The applicant's parent or guardian must be a member of a union affiliated with the I.U.P.A.
- The applicant must be accepted at an accredited university or college in a course of study in law enforcement, labor relations, or a related field.
- The applicant must submit a high school transcript confirming they have a "B" average or higher as well as submitting SAT scores and a letter of recommendation by a school official.

This scholarship applies to two and four year colleges, graduate, technical and trade schools. Current and retired union members, their spouses and dependent children can apply.

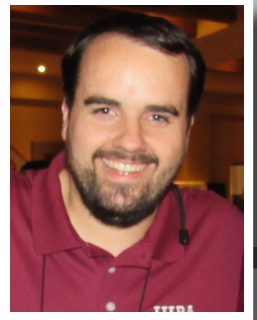
Applications are currently being accepted for the 2018 Edward J. Kiernan Memorial Scholarship. This application is available at: [www.iupa.org/educational-services](http://www.iupa.org/educational-services)

## Submit Applications by July 1, 2018



# 2018 IT Update

Michael McEldowney, I.U.P.A. IT Director



Being an organization associated with Law Enforcement, the I.U.P.A. has been the pinpointed target of numerous hacker attempts which have vigilantly been stopped. In 2018, the I.U.P.A. upgraded to new state of the art technology, Carbon Black, in order to further protect IT equipment and data at the International. Every fifteen minutes, the software helps to block over 3,602 attacks from all over the world. Carbon Black employs streaming prevention which is much more effective than point-in-time prevention methods that IT protection technology previously used. Streaming prevention blocks both malware and non-malware attacks which assist the International in maintaining the level of security that is vital to any organization in the Law Enforcement field.

The I.U.P.A. has proactively recognized and developed a solution to another security concern, a common need among our members for a secure online location to store Local information. The I.U.P.A. provides Member Tracking Software to our Locals which has enhanced security, including two factor authentication and email login alerts. Member Tracking Software allows members to log into a site designed specifically for their Local by the I.U.P.A.'s IT Department where they can upload documents they want to share with other members such as member applications, share about events, keep track of updates and information about members, and store member information as well as export information into Excel files to use for mailings, etc. All sensitive information is encrypted for PII (Personally Identifiable Information) Compliance.

I.U.P.A. also recognizes the need for Local Unions to create a strong digital footprint in today's increasingly technological world that is so driven by social media. The International's Web Designer and Graphic Designer provide cutting edge logos and websites to all I.U.P.A. Locals. A number of Locals have already begun to enjoy this benefit. If you would like to take advantage of this service, email: [helpdesk@iupa.org](mailto:helpdesk@iupa.org), to get started. Facebook pages are also available, upon request.

Website and graphic design services are benefits of I.U.P.A. membership. No additional fees or charges apply.

## I.U.P.A. External Network Attacks Within An Hour



INFECTIONS / SECOND (25)

LIVE ATTACKS (3602)

BOTNETS (5)

Total Members

COUNTRIES (100)

Percentage



# Protect Your Organization (and Yourself) From Data Breaches

WHEN IT COMES TO CYBERSECURITY, MOST ORGANIZATIONS ARE LIVING ON BORROWED TIME. UNFORTUNATELY, THE PROSPECT OF A DATA BREACH IS NO LONGER IF IT WILL HAPPEN, BUT WHEN AND HOW MUCH DAMAGE WILL IT DO?

Data breaches are incidents in which sensitive, protected or confidential data has potentially been viewed, stolen or used by an individual unauthorized to do so. This data includes:

## Personal Identifiable Information (PII)

- Social Security Numbers
- Dates of Birth
- Addresses
- Bank Account Information
- Health Care Information

## Other information that can be breached:

- Credit/Debit Card Numbers
- Emails, Password, and User Names

More and more high-profile data breaches are making the news, including stolen personal information from pension funds and union members.

In our industry, we have seen these recent claims:

- **Ransomware** – a hacker steals a union's IP address and demands payment for retrieval
- **Physical Theft** – a robber steals a trustee's laptop from his car while he's dining in a restaurant
- **Phishing** – after a fund administrator clicks a link on a fraudulent email, a health & welfare fund experiences unauthorized access to its computer system that results in the acquisition of personal health information belonging to participants and their dependents
- **Wire Transfer Email Fraud** – an administrative assistant responds to a fake invoice that appears to come from his superior at the union

Trustees aren't always protected, even when funds employ a top notch third party administrator ("TPA"). The Department of Labor's Advisory Council on Employee Welfare and Pension Benefit Plans says that TPAs do "not have a comprehensive and consistent regulatory framework to guide their data security programs."

Even with a framework in place, TPAs' cyber policies oftentimes do not extend to their clients' exposures, as trustees may think. We have even seen administrator service agreements that pass liability on to funds in these instances. At the end of the day, unions and benefit funds want to protect their members and participants as completely as possible.

By taking the right precautions, you can manage risks and make sure you're protected from liability when a breach occurs.

## Consider these sobering statistics:

- The number of data breaches increased approximately 40 percent in both 2016 and 2017. A majority of these breaches involved the exposure of Social Security numbers.
- Hacking accounts for about 60% of all data breaches in 2017, an increase of 3% over the prior year.

## The Role of Cyber Insurance

Cyber insurance is an affordable risk management tool to protect entities from exposures due to data breaches and cybercrimes. Trustees sometimes assume they're already protected by their Fiduciary Liability or another type of insurance, but that's not always the case. Even if the state of domicile has more lenient cyber security laws, they might still have obligations to consider. For instance, if retirees move out of state, breached entities must comply with retirees' new resident states as well. Also, federal laws may apply, such as HIPAA and FERPA, depending on the type of compromised information.

Union leaders and trustees should also be concerned with damage to the organizations' reputations. If a breach occurs, the last thing they should have to worry about is finding partners to coordinate public relations efforts. Some cyber insurance providers can handle the logistics of notification through pre-negotiated partnerships with privacy counsel and incident response vendors. Should a breach occur, they'll work on your behalf to handle public relations. This ensures you get the most protection for your dollar and quick response time.

Some cyber insurance policies also include additional risk management tools, including telephone hotlines to report claims and credit monitoring services to help mitigate future liability after a breach occurs.

## Are You Covered?

The right cyber insurance helps transfer risk while complementing other liability policies, but not all insurance contracts are the same. An insurance broker can help determine your risk exposure and what coverage you need. Common coverages include:

- **Privacy liability:** Losses arising from failure to protect sensitive personal or health information in electronic or hard copy format
- **Breach notifications:** Data breach counsel and a network of experts providing crisis management services including legal, computer forensics, regulatory and individual notification guidance, call center, credit monitoring and identity restoration services
- **Media liability:** Coverage for claims related to multimedia activities such as defamation, libel, plagiarism, or copyright infringement
- **System damage and business interruption:** Restore, re-collect, and replace data

- **Regulatory proceedings:** Coverage for civil regulatory actions, expenses related to information requests, compensatory awards, and regulatory penalties and fines to the extent permitted by law
- **Threats and extortions:** Monies paid by policyholder following threat
- **PCI fines:** Fines and penalties from non-compliance with Payment Card Industry Data Security Standards

## How to Lower the Risk of Cybertheft

- Limit employee access to sensitive information
- Require employees to separate business email from personal email
- Conduct regular audits
- Use antivirus software
- Insert firewalls, pop up blockers
- Uninstall any unnecessary software
- Maintain backup information (run daily at a minimum)
- Check security settings
- Use secure connections
- Use Encryption
- Setup a multi-factor authentication for participants to access records
- Require participants to create strong passwords and require they change it regularly

## Tips for Individual Users

- Don't use public wi-fi services, work computers, or public computers to check your accounts
- Be cautious when using unfamiliar ATM machines and credit card scanners
- Use caution before clicking on links or opening attachments
- Do not reply to emails or inbound phone calls that ask for account or personal information
- Monitor your account statement, checking balances, transaction activity – every month!
- Create strong passwords, security questions and change your password frequently
- Don't share passwords with anyone
- Check your credit report regularly



### Justin Patten

Director of Underwriting, Ullico Casualty Group, LLC.

Justin Patten manages a book of Professional Liability business and supervises a team of Underwriters. He also works on coverage language and oversees implementations of system modifications. Previously, Patten worked for Strayer University as a Specialist in the Student Financial Services Department. Patten graduated from University of Maryland College Park with a Bachelor of Arts in Economics.



# Meet The Police's New Crime-Fighting Assistant: Alexa

By: Bambi Majumdar



Police in the U.K. have a new recruit: Amazon's Alexa, the "smart" virtual assistant. In a new experimental initiative launched by the Lancashire Constabulary, Alexa will log reports of crime and provide daily updates to the public. The police will use a dedicated app to issue local news briefings to Amazon Echo owners.

Voice recognition or voice-enabled technology can help disseminate information without the need to dial in. Residents can ask Alexa about the latest happenings on their street or in their area, and the device will keep them updated on crime statistics and connect them with the police in case of emergencies.

The police also plan to augment their digital footprint by using smartphones to relay information, useful phone numbers and circulate photographs of missing people. This is meant to ease public-police access and reduce call center overheads.

This is not the first time Amazon has been linked to crime-fighting. Earlier in 2017, an Arkansas man accused of killing his friend allowed the prosecutor to access data from an Amazon Echo present at the crime scene.

Initially, Amazon rebuffed the request, but when the suspect himself OKed it, Amazon provided the data to prosecutors. According to the defendant's counsel, he was innocent and had nothing to hide, and handing over these recordings reflected that. The charges against him were later dismissed.

In another case, Alexa called police to report a domestic violence case, and a woman and her child were prevented from being seriously harmed. A New Mexico man was arrested for the incident where he allegedly beat his girlfriend and threatened to kill her.

Their conversation was inadvertently picked up by Alexa when the man asked, "Did you call the sheriffs?" Since it was connected to the landline, Alexa took it as a command and dialed 911. It may not have been a deliberate call, but the way the device functioned that day is nothing short of amazing. It saved a life, or maybe two.

But not all agree with the amazing part.

Technology is integral to our lives, and authorities are increasingly seeking evidence from smartphones, laptops, computers and even video games. Now it's time for smart speakers and voice assistants.

However, the use of these new technologies could lead to a whole range of legal and privacy issues. Not everyone is OK with the fact that these devices are listening to us. Companies like Amazon understand these fears, which is why they pushed back against the prosecutor's request for the recordings in the Arkansas case.

When it comes to crime, these devices could record sensitive data and potential evidence that is important for law and order. But the issue is also about the First Amendment and privacy rights.

Similar questions are being raised in the UK. The use of artificial intelligence could save public resources and allow the police to concentrate on more serious cases. But privacy issues aside, data stored in American servers could have international legal implications as well.

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January 17, 2018

# One Last Promise

By: Rajib Bhattacharjee



I recently had the most profound privilege to attend the one-year memorial of a police officer who gave his life in the course of his duties. Indeed, there can be no greater demonstration of one's devotion to a belief than to give one's life to the cause.

Let me make this absolutely clear that I abhor the phrase "lost his life," because this implies that there was no choice. We, who serve, know there is always a choice. We know this each and every day we choose to go forward when others run away, we choose to hunt the things that go bump in the dark, we choose to shield others in society from its evils.

So, what is the "one last promise" that I refer to in my title? I'm talking about our solemn duty to one another as law enforcement officers. Perhaps we could not be with you in life, but in death you will not travel alone. We will be there to escort you home.

I challenge you, my brothers and sisters, to attend a first responder's funeral, to fulfill your duty to one another, to embody that "one last promise" that no one goes home alone.

It is incumbent upon us that we honor those who gave all of their tomorrows for our today. There are few situations more personally challenging than attending a first responder's funeral because it brings home to all of us the very real danger we face.

However, it also shows that you are not alone in your struggle.

That sentence is worth repeating, because during the truly hard days we have in our careers of service, it does feel like we are all by ourselves. So, rest assured that you are not alone.

The thin blue line is a real thing. It is living, breathing and comprised of individuals from every walk of life. While we as individuals may be struck down, our brothers and sisters will carry on performing a job few can.

Of all the subjects I have mused about, this is the one I personally struggle with the most. Beyond seeing the damage wrought by the monsters of society who walk among us, the death of a first responder is loss deeply felt — above and beyond the argument that a first responder intrinsically contributes to society on a daily basis, while the average citizen may contribute once in a while.

The world is truly a lesser place every time someone in our profession gives his or her life for the cause. It places a burden upon all of us.

As President Abraham Lincoln said during the Gettysburg Address, "That from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion."

January 3, 2018





# Speaking with One Voice, Moving with One Purpose!

The background of the slide features a row of lit candles with bright yellow flames. Behind the candles, a pattern of white stars is visible on a dark background, reminiscent of the American flag.

The International Union of Police Associations (I.U.P.A.) was started in February 1979 as the only union exclusively designed for law enforcement personnel. Through the I.U.P.A., Locals speak with authority on issues of importance to public safety officers. The I.U.P.A. represents federal, state, and local law enforcement officers and employees through the United States and its territories.

International Union of Police Associations  
Speaking with one Voice, Moving with one Purpose  
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