

The Protection Ranger

WWW.RANGERFOP.COM

The Newsletter of the U.S. Park Rangers Lodge, Fraternal Order of Police



Vol. XVI • No. 1 • 2006

President's Message

Greg Johnston

I recently attended the Virginia State Lodge Board of Director's meeting and enjoyed seeing familiar faces and meeting new people. I find it comforting, but also disappointing, that we are not the only agency that is fighting for better retirement and pay programs. It seems to be a trend to forget the sacrifices that LEO's make to provide for a safer society – it is not just a National Park Service problem. Many Virginia police and sheriff's deputies are also trying to receive a package commensurate with what other jurisdictions provide their officers.

The topic of retirement is something that should be dominating discussion at your meetings and break rooms. New Federal retirement legislation is just around the corner in a tiered system with different LEO "classes" receiving varying pay and benefit packages – possibly controlled by OPM. This is real and much closer than you may think. Knowing OPM will probably

depend generally on the series classification to make its determinations, we are not positioned well in a non-specialized 0025 series. Though this might not knock us out of the running, we are looking at a fight unless the highest levels of the department take a strong position in our favor. Don't hold your breath for that to happen.

So what does this mean? We need to get involved. Do not depend on anyone to make this happen for you! The FOP is going to champion this effort, but everyone should be contacting their Congressmen and Senators to let them know about our situation and resolve to maintain our benefits.

As emergency responders, our duties far exceed any requirement to receive enhanced retirement and pay packages. The law enforcement aspect alone should qualify us; our daily duties require a young and vigorous workforce. When you add in the firefighting aspect of our job, that alone would automatically draw 6(c) retirement under the current system. Additionally, you add in EMS, swift water rescue, high angle rescue, open water SAR, etc. How many other positions in the current Federal system demand as much on their employees? I do not think that our position descriptions are wrong for the qualifications of an enhanced retirement, journeyman level GS-11, and LEAP pay. I believe it is the *system* that is not set up to adequately recognize the duties that are expected of rangers on a daily basis.

This is our plight: quantifying our jobs and forcing people to take notice. Our jobs require some of the highest standards of performance and place us in the highest level of danger in the Federal law enforcement system. The LEOKA (Law Enforcement Officers Killed and Assaulted) data alone should prove that we need to require more than the average person to don the uniform.

I find it interesting that 6(c) will once again prove to be one of the worst challenges we will face as an agency. In the competitive age of recruitment and retention in the law enforcement field, we are lagging drastically behind. Not only are we failing to compete with most Federal law enforcement agencies, we are also losing people to state and local agencies that provide better opportunities, equipment, and training for its employees. People are not lining up to be park rangers anymore, the lifestyle is not the recruitment tool it used to be and we are going to have to find financial incentives to remain competitive.

I enjoy my job and look forward to work nearly every day. I try hard not to bash the National Park Service too much, because I know they are not the worst agency to work for in the Law Enforcement realm, but sometimes it seems that is the goal they are working to achieve. Work hard and stay safe out there!

Inside This Issue:

New Executive Director	2
Lodge Discussion Board	4
Exit Interview with Randall	4
Critical Incident Preparedness	6
Thanks and Good Luck	7

**Staying Afloat:
New Executive Director
Takes the Helm**
George Durkee

The sea was calm with only a gentle breeze abaft. Randall Kendrick, The Great Helmsman, his craggy face lined by years of staring squint-eyed into the sun, steering us unerringly through the reefs of NPS stupidity, murmured "here, boy, take the helm. Second star from the right and straight on 'til morning." Then he quietly slipped over the side, kicking out in a strong and steady stroke towards a nearby island, the dim forms of scantily clad wahine visible on shore.

I immediately swamped the boat.

Boy. There's a lot to do around here. To everyone whose membership cards were late or delayed, I'm truly sorry about the delay. In addition to our glitches, the Grand Lodge seems to have a major computer glitch in issuing cards. It's not clear when they'll be fully up to speed. Another apology to those who's membership renewals somehow got dropped in the transition.

Please Check the renewal date on your mailing label: If you paid recently and haven't gotten your membership card, or your date shows as expired, please contact us via the web (www.rangerfop.com), by email (foplodge@sonic.net), USPO mail at our new address:

National Park Rangers Lodge
POB 1481
Twain Harte, CA 95383

or phone: 209-586-1652 (this is temporary for the next two months until we get a new 800 number). Check your expiration date on the mailing label.

We'll straighten your membership out as quickly as possible. We greatly appreciate everyone's patience during this transition!

And, as if that weren't embarrassing enough, there seem to be a few members who have been paying their dues by automatic withdrawal from their paycheck, but the money may not be going to the Lodge. We have just sent notices to members who are not showing up on the list Denver Payroll is sending us. Please contact us as soon as you can if you got one of these notices. The only good news is it doesn't look like this is our fault, but we are able to correct it.

Whew.

On the bright side, we have *not* dropped the ball in helping our members with specific problems. In spite of the many years I've been involved with the Lodge as a board member, I wasn't fully aware of all the time Randall and Lodge President Greg Johnston devote to helping individual members with problems. This is a huge part of what we offer our membership: rangers helping rangers.

Who are you going to call if you're involved in a critical incident and you need advice? Or who's there for you if your Chief Ranger and personnel office are giving you the runaround? (In this issue, see a Lodge member's checklist of what to be aware of if you're involved in a critical incident, like a shooting). They're the ones who are supposed to advise you. Alas, too often, they don't. That's one of the reasons we're here. If we don't know the answer among our Board, we can approve an hour consult with our attorneys, Passman and Kaplan, who have a huge amount of experience in federal personnel law.

Nor have we dropped the ball in keeping in contact with the Washington Office. WASO Chief of Staff Cam Sholly has set up regular conference calls with the Lodge Board to get our input on the concerns of field rangers. Cam took the first steps to reach out to us when he took his new job and we appreciate the opportunity to regularly brief him on field concerns and get his observations on WASO efforts to improve NPS law enforcement.

Here are a few points passed on from the last conference call we had with him:

On the never-ending struggle with law enforcement retirement, Cam talked about the legislative end of things and current Congressional pay banding proposals. There is a tiered system being considered by Congress: 3 levels of retirement (see Greg Johnston's comments in his President's Message). OPM will likely have a say what series goes into what tier of retirement. Tier 3 being the full LE retirement (6c type) and Tier 1 being the basic retirement and Tier 2 being in the middle.

Cam has just sent us his most current information on 6(c):

On the 6c front, I could sit here and continue telling you that legislation is still an option. While we'll continue looking at all options, my impression is that a legislative fix isn't going to be viable anytime in the near future. There are many reasons for this, however, at the end of the day, the Department has the full ability and authority to make any necessary adjustments in this realm. Many look at this as an issue that can be fixed without legislation, therefore, non-legislative avenues should be exhaustively pursued first. We'll continue working closely with the upper echelon of the Department to try and find a solution that is in

the best interest of the NPS and all of its protection rangers.

The other major reason is that there is pending legislation that, if passed, could revamp the entire federal retirement scenario relative to 6(c). There may be less inclination to attempt to pass a piece of legislation (regarding us specifically) which may contradict or interfere with this other retirement legislation. I'd be hesitant to say anything more specifically about OPM or the legislation in general, because until it's passed, anything could change. Tentatively, the legislation would create three bands of retirement as you've outlined above. Which one we would end up going into has not been determined.

At this point, FLERT has stayed away from anything from the 1994 benchmark PDs forward.

The Board also asked what national safety followup was happening as a result of the death last year of backcountry ranger Jeff Christensen. The death and ensuing SAIT report (www.nps.gov/romo/downloads/press/jeff_investigation.html) were tragically similar to the death of backcountry ranger Randy Morgenson, but 10 years apart. Cam mentioned that he had talked to Director Fran Mainella about the Christensen matter. He recently sent us an update of NPS action on this issue:

I've had Risk Management (Occupational Health) and LE Emergency Services drafting the document [outlining national procedures for keeping track of rangers in remote locations] over the past two weeks. It will be coming to me and Karen this week for review and should be moving forward in the surnaming process to the Director shortly. We needed to wait for some

other lessons-learned information, from other investigations, before we could finalize.

This document will provide some immediate direction to the field on this subject. In addition, field chiefs, supervisors, and rangers need to regularly analyze their procedures and make necessary adjustments that are conducive to good officer safety.

We have done a significant amount of research on GPS and other tracking options for patrol rangers. Finding an option that works well without putting an enormous unfunded mandate on the field is critical. Parks have the autonomy to purchase these devices right now and should evaluate all options in that regard. We will be posting our research on the VRP website and I'll let you know when this is available.

We appreciate Cam's efforts in this matter. It's depressing to note, though, that these are roughly the exact same recommendations made in the Morgenson SAIT 10 years ago (and detailed in *The Last Season*, by Eric Blehm, just released by HarperCollins). The Lodge, of course, has been advocating a national policy for years. Maybe this time... .

Other issues the Lodge Board brought to Cam's attention:

- At least one park's Chief Ranger makes a distinction between "patrol" vehicles and "pursuit" vehicles – the former are high mileage and not suitable for safe pursuit. Of course, LE rangers are driving both and there is no effort to put monies into upgrading ALL patrol vehicles to safe LE packages.
- We asked if it was true there was no travel budget for Investigators to carry out investigations at other

parks. Cam said the agent program is insolvent right now; that there are currently 45 agents and that they have received \$500,000 to hire three more full-time agents. The agents are out of the funding cycle and monies are not readily available until things get ironed out.

Cam said that there are varying levels of agent experience, different ways investigations are done. He suggested that parks need to have the a clear understanding of where the resources are and how they can get help.

And, regarding backlogged 6(c) cases and an open hostile FLERT:

- There is no good news here. Cam stated that there was a significant amount of work that didn't get done when it needed to be done. Through inaction, the retirement problem was allowed to fall into more of a hole. Cam talked about the legislative end of things and the pay banding proposals. (See above). There are currently 117 cases backlogged and law judges have been siding with FLERT even on appeals that have been done. He didn't see that changing anytime soon.

There was thought of allowing the 117 cases on backlog a chance to beef up their packages. FLERT, however, could then say that packages haven't been done in timely manner. Since 2001 almost 100% of the cases have been denied.

Cam is an example of a recent and welcome trend to hire people with solid LE experience at WASO and DOI. We continue to be disappointed, though, at the overall lack of assertiveness on LE issues WASO. It's good to have experienced law enforcement professionals at levels of responsibility, but it does the field no good unless

strong measure are taken to make sure that individual managers in parks support and promote a professionally trained, safe and well equipped law enforcement program. That is not happening.

As such, we've recently sent to the NPS Inspector General's office a summary that is critical of years of NPS inaction in following previous recommendations by the IG, the IACP and Congress on improving NPS law enforcement policy (see our letter elsewhere in this issue). Inspector General Earl Devaney is conducting a follow-up review of NPS compliance with his and other's recommendations from 4 years ago. Although there have been improvements in better qualified law enforcement personnel and positions created at the DOI and WASO level, we have seen little improvement at the field level.

The good news is that, in spite of some glitches in membership record keeping, your Lodge is successfully working to help fellow rangers and continue our efforts at getting consistent LE reform in all parks. We are grateful for your patience in the former and ask you to step forward and help us in the latter. We thank you for your continued support.

Lodge Discussion Board: Updates and Solutions to Recent Problems

Duane Buck, Lodge Webmaster

The Lodge's discussion site and webpage has gone through some changes again. After going to a posting by approval only format, members have complained about the process of being left out on posting opportunities.

I have been working feverishly trying to make things as simple as possible in having a dues paying member be able to

participate in the Lodge discussions. We have posted a new page on exactly how to address your problems relating to getting back on the posting list for the discussions. This can be found off the member's area once you log into the Lodge website.

A new page was created called Lodge Discussion Solutions and will explain some of the things members can do to rejoin the list. It's not hard to do, but will take a little patience in getting these steps done.

What is a Local user?

You are a Local user if you registered for a Local Ezboard account at a particular community. A Local account can only be used at the community where it was created. Local accounts can only log in from one community, and can only post at one community.

Local accounts cannot be created at boards which are Membership by Approval.

What is a Global User?

If you created your account from Ezboard's homepage or selected the global account option when you signed up from a message board, then your account is Global. Once you have a Global account, you can use a single user name to participate in all Ezboard communities and access many customization options in your own Control Center.

The Lodge hopes that these solutions will help in bringing back more members for lively discussions. The Lodge's discussion moderators will be monitoring the posts and have the power to remove any post that does not reflect the professionalism of the Lodge or results from a personal attack on another member.

If you have more specific questions after viewing the discussion solutions

page, please don't hesitate to contact me directly at webmaster@rangerfop.com and I will help you get back in the game.

Exit Interview With Randall

Since Randall has stepped down from many of his activities with the Ranger Lodge, we thought it would be a good time to interview him and get his views on the past work of the Lodge and his outlook for the future for officers of land management agencies.

Protection Ranger: What do you think are some of your main accomplishments during the 18 years you have been active in ranger affairs?

Randall Kendrick: First, I would like to tell you my major disappointment: that is those who deserve much or most of the credit cannot be named because they are still active in Interior agencies and thus subject to retaliation. There are members who are more expert than I in 6(c) theory, media structure, winnable actions on behalf of rangers, training needs, and equipment. I, for whatever reason, was able to be the front person on much of this but it was a cover to keep the experts in the Lodge unknown and immune from retaliation. Only a handful know who some of these members are and I am perhaps the only one who knows them all. So on behalf of the membership, I accept any accolades on their behalf.

One who can be named is George Durkee, a 36 year veteran backcountry ranger in the Sierra. He has never been reticent about putting his name forth as an advocate for rangers and signing controversial letters to management and Congress and we all owe George a huge debt. It was George who started the idea of the National Alliance of Park

Rangers and Firefighters over the 6(c) issue in 1986 and who presided over our organizational meeting at Lee Vining, CA, in 1987.

As co-president with George, I was happy to fold our membership into the Western Ranger Lodge tripling its numbers. As to 6(c), the names of Dean Shiltz and John Bowdler, and their lawyer Craig James of Boise, ID, (still active by the way) who first won 6(c) retirement on firefighting duties only. Even though they worked in parks generally considered not to have outstanding forest fire loads - like Mt Rainier and Blue Ridge - they won their retirement in front of the MSPB. That gave us all hope and Dean was generous in sharing his appeal package with me so that we all could learn what the MSPB was looking for.

As for achievements, I would name: being a plaintiff and working closely with Hogan & Hartson in the Interior employees vs the DOI in their random drug testing scheme for all Interior employees....even here, there is an active ranger who was also a plaintiff who cannot be named. Gaining enough strength as an organization so that we could have a law firm on call to give quick advice to members in trouble - a law firm brought to our attention by yet another long term but still active member. Being able to network for employees with job woes so that no member ever needs to feel isolated.

Keeping *The Protection Ranger* running with its emphasis on news members can use in their day to day work and struggles against the agency. Convincing management at Blue Ridge that they should supply vaccinations against Hepatitis B free of charge to all officers and first responders. Developing a media campaign that brought the plight of rangers and the lands they protect to public awareness. As an aside, without money to hire a

PR firm, this was not easy and for everyday day I spent with a reporter or editor, only one in four resulted in coverage and then, often, the coverage was less than accurate. And finally, having so many members who support the Lodge's activities and renew at a rate greater than 90% is something in which we can all take pride.

Critical Incident Preparedness: Know Your Rights and Responsibilities

Editor's Note: In July 2005, a seasonal patrol ranger and a supervisory ranger were involved in a fatal shooting with a suspect armed with a deadly weapon. The suspect died in the incident. The ensuing investigation found that officer use of deadly force was both reasonable and necessary. In discussions with one of the involved rangers, the Lodge has developed checklist of critical points to do and keep in mind both to prepare yourself before a critical incident and to know after one. Another excellent reference is: The Ten Most Important Things an SMCDSA Member [San Mateo County Deputy Sheriffs's Association] Should Know about Their Legal Rights (www.smcdsa.org/Legal_Material/Legal_Rights.html).

The Lodge commends both rangers for acting quickly and decisively to prevent injury or death to themselves and the public. Another reminder to us all that there's no such thing as a routine call, no matter how quiet your park may seem.

Be Prepared for a shooting or critical incident:

1. Join FLEOA and FOP (you will need the legal help and advice).
2. Get professional job liability insurance.
3. Buy your own personal weapon, and train with it to proficiency year-round – this applies to seasons too!
4. Become more familiar with escalation of force policies and scenarios.
5. Have a pre-designated friend that you will call for support if you are in a critical Law Enforcement event (this person might be a confidential friend away from your park). Remember though: anyone you talk to can potentially be called as a witness.
6. Learn about perceptual distortions that occur during most critical incidents, so you will be familiar with them and prepared. (See the FBI Bulletin article on this: www.alexisartwohl.com/publications/fbibulletin.html).

After a shooting:

1. Provide the first field supervisor to arrive on scene a brief verbal outline of the circumstances surrounding the critical incident to facilitate further investigation, developing a crime scene and providing public safety. This is especially true in the case of an officer-involved shooting where armed suspects may remain at large or weapons have yet to be secured. Provide the field supervisor only those facts necessary to ensure public safety at the crime scene. The officer should refrain from detailing anything about the incident. (SMCDSA also advises the shooting-involved officer not to give any statement about his/her state of mind as to the justification or actions taken).

2. Call the Lodge or your FLEOA Attorney.
3. Do not give any statements or written records to anyone, including your supervisors.
4. Do not talk to persons at your park about the incident. You will likely need one safe friend at your park. Your LE partner from the incident may be the best.
5. While the CISM (Critical Incident Stress Management) people mean well, they may not be able to deliver what shooting involved rangers need. They are there to take care of the others not directly involved with the shooting.

Realize that you will not have legal protection from any of the support staff the park will offer you: CISM peer counselors, Police Psychologist, or managers. (You may talk to them for emotional support, but not about any facts of the case. That will be tricky). Seek a private counselor where you will have a patient confidentiality agreement.

6. You will face friendly people from your park who want to know what happened. Accept their graciousness and try to be warm and friendly with them, while asking them to understand your confidentiality obligations.
7. Attend all after-incident management meetings; ask for copies of all reports, briefings and press releases about the incident.
8. Don't consent to anything without consulting your attorney.
9. Do not speak to any investigators without your attorney present.
10. Keep any notes you make for yourself secret and do not bring them to work (attorneys will advise you against doing anything that will create a second record of the event, which could conflict with the official investigation even in small ways).

11. Be aware of officer safety issues, for example if the family or friends of the deceased suspect are staying in the area. Get help from other LE staff to ensure your safety.

12. Learn who the Public Information Officer for the incident is. Consult your attorney if you learn your name is to be released to the media. Learn what to expect if that happens.

Note: Many LE agencies no longer release the names of officers involved in shootings. The Lodge is going to push for this as official NPS policy. In the meantime, urge your park to adopt such a policy now.

13. Learn about Boards of Review and Boards of Inquiry, and Internal Affairs investigations, and what the differences are. Learn about your rights.
14. Learn about how tort claims and personal civil liability may affect you as a result of your line-of-duty actions.
15. Learn what your expected official agency support should be after a shooting. If you are a permanent, you are entitled to all the following benefits and support from your agency. If you are a seasonal, you might not be entitled to any. Find out, and then act accordingly to get the early help you need.

Seasonals have unique and more difficult problems. Formally request that your NPS employment affiliation be active throughout the civil liability phase (4 years). This can be done as a continuing on Intermittent or Term appointment. Continued assistance may consist of:

- Health benefits (stress related health issues are common in these prolonged circumstances). Immediately file a CA-1 claim so

your incident is a matter of record.

- Employee Assistance Program (E.A.P.).
- Paid court time.
- Paid legal travel.
- Paid legal prep time.
- Assistance with additional costs and resources associated with defending against a possible civil lawsuit.
- Park Service Investigators available to followup on retaliation or harassment issues.
- Park Service support if harassment takes the form of identity theft and or financial maliciousness towards you.
- Retirement plan to boost and protect your financial security.
- Being part of the NPS Law Enforcement team & family year round (Providing a sense of ongoing security, versus being separated from the LE Community).
- Ability to enjoy ongoing Federal Law Enforcement Officer status. Retaining your Federal Law Enforcement Officer status full time would make any retaliatory

Participate!

The Lodge, as always, needs rangers who want to help. We especially could use someone willing to assist in editing our newsletter, *The Protection Ranger*. Duties would be to determine and announce deadlines, solicit articles, edit and layout for printing. Perhaps you or a spouse have an interest or experience in desktop publishing and would like to help. A small stipend is paid for each issue. Write us at foplodge@sonic.net if you're interested.

or harassment actions against you a federal crime and offer additional protection.

- Access to ongoing confidential L.E. information briefings about known criminal associates of the deceased suspect, who may pose a threat.
- Ability to refer all media inquiries to the park.
- Development of a follow-up program with your park management and FOP Ranger Lodge.

Learn more about Post Traumatic Stress Disorder. Statistics show that six months after a fatal shooting incident there is a resurgence of depression and suicide for the shooting-involved officers.

- Within three years 90% of all shooting-involved law enforcement officers leave their law enforcement jobs.
- 70% suffer from depression.
- 50% have post-shooting related relationship problems.
- 35% have serious financial problems. Others have problem with alcohol abuse and the like.

Most big city police departments have shooting-involved officer Post Traumatic Stress Prevention programs run by police psychologists. This is an important inoculation program for preventing more serious PTSD problems which typically can surface for up to 3 to 5 years after the event.

Participate in a Post Traumatic Stress Prevention Program even if your agency does not sponsor you, or agree to pay for it. It is well worth your future emotional health.

Involvement in a shooting is traumatic enough. This incident showed that the National Park Service does not have an adequate post-shooting protocol in place that clearly defines the rights and responsibilities of officers and

managers. There is no policy in place to adequately address the special needs of seasonal officers. The Pacific West Region law enforcement office is currently working on a standardized protocol for critical incidents.

**A Big Thanks to Brother
Randall
George Durkee
Executive Director**

Well, he really did it. Last fall, Randall slipped a note into the newsletter indicating it was time for him to step down as Executive Director and Business Manager. He said he had been retired for over 5 years, and no longer felt he could adequately offer sound advice on current NPS issues. This was not true. No one has had a better grasp of law enforcement issues or a longer history as a tireless advocate of better education, equipment and training for law enforcement rangers. Still, a person can only take so much and one day a half dozen boxes filled with records of the Lodge's business appeared at my house. Randall had, indeed, stepped down.

There is not a single reform taken by the Department of the Interior and the National Park Service over the last 20 years that Randall and the Lodge were not the first to advocate. Not one. There is no question that a huge share of the credit for the great strides in the professionalization of our jobs have come as a direct result of Randall's efforts on behalf of the Lodge.

He and his faithful 115 # pup, Holly, can now be found on their back deck overlooking the Blue Ridge, bourbon and branch water in hand and Bellini echoing over the canyon. The good news is that he won't totally drop from sight. Randall is still on the Lodge Board but he has offloaded the day to day record keeping, organizational and

public contact work he has done so well for these 20 years.

On behalf of the Lodge, I want to thank Randall for putting us where we are today. Individual members may want to send him an 'attaboy' for his years of hard work on your behalf: randallfop@ls.net. And, of course, thanks also to his wife, Iara, who for years has cheerfully tolerated the many demands on Randall's time from Lodge and ranger business.

National Police Week

Remember that May 15th is National Peace Officers Memorial Day. Along with 155 other fallen officers, Park Ranger Jeff Christensen will have his name added to the Memorial Wall. The ceremony is a moving experience and as many rangers as possible should attend to honor all of them.

Renew Your Membership

If you have recently received a notice of renewal, please send your dues in soon. You may renew using the envelope provided or go to our web site: www.rangerfop.com/join.htm We now offer the option of signing up for yearly automatic renewals with your credit card.

Also please note the dues on the last page of this issue and pay the amount for the membership type you're applying for.

A number of you have also taken the time to write us to say you've already renewed and that our records are in error. We are truly sorry for the inconvenience and appreciate your taking the time to correct it. Thank you for your patience.

I'll get it right soon!

Thanks,
George Durkee

