

# The Protection Ranger

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



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## President's Message

John T. Waterman

After several years of dedicated service to the Ranger Lodge, Greg Johnston has stepped down as President. As the new President, I would like to take this opportunity to thank Greg for all of his hard work since he took office in July 2004. Greg will continue to be an active participant on the Lodge Board's advisory panel and continue to participate in the Virginia State Lodge as one of our representatives.

For the past several days, I have been reviewing five year's worth of *The Protection Ranger* to get a better grasp of the issues that we have been faced with. We have moved forward in some areas and in others we have taken a few steps back. Recently we asked for more volunteers to join the advisory group. To my delight, we had folks volunteer and jumped right into helping the Lodge Board advisory group. I know one of the worst times for any group to ask Rangers for help is when they are gearing up for the summer season. But that is what I am asking you to do. If the Lodge Board is to serve you better, we need to hear from you. I challenge the membership to do something for yourself and your colleagues and become involved.

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The Board has been spending a considerable amount of time on the 6(c) issue. This issue of *The Protection Ranger* has two articles emphasizing how important it is to pay close attention to your position description. To ensure that you have the retirement benefits you assume you have, it's critical that you read these articles and review your PD yearly.

*This is one of the many areas  
your dues are going to:  
helping your fellow rangers.*

A lot of legwork has been done by Brother Calvin Farmer who has taken on the task of acting as the Lodge's main contact in this matter. Recently the Board requested information from the membership to help us pull commonalities in all of the cases that have gone before the FLERT board. Fewer than twelve folks responded. This might be due to several reasons, including fear of retaliation by the NPS, fear of having FLERT make another decision denying members to already approved time, or perhaps you were not informed of the request. It is very important that we have this information in order to prepare a case. If you choose, we will keep all information confidential.

The medical standards issue has once again popped up on the radar. The Lodge has been assisting several members who have been dealing with inconsistencies in how the standards are being applied. Coincidentally, these members are very close to retirement and the issues for them have been dealt with by waivers for years. In three cases, the NPS required rangers to see more than two specialists, even though the previous doctors found no reason not to return them to full duty. In two cases, the rangers were on light duty for more than a year. When they requested a review board hearing and obtained

counsel from Passman and Kaplan, they were then found to be medically qualified.

I am sure there are more of you out there who are facing similar issues. This is one of the many areas your dues are going: helping your fellow rangers. I am in favor of a medical standard program, but it must be applied fairly. The NPS is still continuing to violate 5 CFR 339.204: agencies must waive a medical standard or physical requirement established under this part when there is sufficient evidence that an applicant or employee, with or without reasonable accommodation, can perform the essential duties of the position without endangering the health and safety of the individual or others. Further, 5 CFR 339.202 (a) states that health standards must be... "established by written directive and uniformly applied."

Staffing levels are another concern that WASO does not want to put on the radar. Try this for yourself when you are at a training course with multiple parks in your region: ask folks to raise their hand to see if they are eligible to retire in the next five years. You will be surprised that on average 43% of the class will raise their hand. Take that number and add it to the positions that have been left unfilled in your park and you should be alarmed.

With the length of FLETC and the Field Training Program, which I fully support, the turn around time for a fully qualified Ranger is nine months. There are no incentives for Superintendents to want to take on new employees. Instead the NPS plays the numbers game and offers laterals.

Parks all over the country are either in the beginning stages of writing their GMP's or are almost finished. Take a look at some of them and hidden amongst a lot of other topics are short paragraphs that go something like this: "we do not expect visitation to increase

with the GMP alternatives and therefore do not expect to increase LE staffing. As attrition occurs, we will fill the positions with seasonal staffing." For some of these parks the current LE staffing is already reduced to half of what it was five years ago.

Enormous work has been done and large amounts of funds expended to produce the Thomas Report, IACP recommendations, and IG reports to articulate the need for more staffing. Even with this wealth of knowledge, Superintendents are not required to take note of them. I am reviewing four GMP drafts and in all four there is a reduction in LE staffing and an increase in administration. This trend is not going to change unless superintendents are directed from the national level.

Now I have mentioned several issues, and there are many more. How about what is going right in the NPS? One thing I am happy to see is that NPS-FLETC was able to get two big NPS classes together, which will drop the waiting list down by 48 rangers. The current list of waiting rangers is 94. Cam Sholly continues to conduct conference calls with the Board and advisory members. This has been a great conduit to share ideas, concerns, and keep us up to date on WASO issues. Cam is also able to hear concerns and answer questions directly from field rangers. I applaud Cam for keeping an open and transparent dialogue with us and look forward to future discussions.

One of the things I would like to see more of in *The Protection Ranger* are stories of what folks are trying in other parks to improve performance, be safer, and make more cases. We should also include things that were tried and did not work so that we can all learn. See editor George Durkee's suggestions for the next issue in his Secretary's Notes, later in this issue.

Vice President and Webmaster Duane Buck has built and maintains our outstanding Lodge website. We keep it updated with notices and links to other sites that we think are interesting or helpful to Lodge members. One of the options on the website is to add your own profile and email address. This is a member's only web site and we do not share any of your personal or email information. I encourage all of you to take advantage of this. One of the

quickest ways for us to get information out to you is through email. If you're not already signed up to access the members' area, do so now at [www.rangerfop.com](http://www.rangerfop.com). If you have any trouble signing up, contact Brother Duane at: [webranger@earthlink.net](mailto:webranger@earthlink.net).

I look forward to working with all of you. If I can be of any assistance, do not hesitate to contact me at [jtwaterman@yahoo.com](mailto:jtwaterman@yahoo.com) or call the Lodge at 800-407-8295.

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### Updates from WASO/RAD Cameron Sholly, WASO-VRP

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Let me start by saying we appreciate the opportunity to update all of you as we continue moving forward on the many challenges that face the NPS. We don't say this enough, but thank you for the work you do for this agency.

#### FLETC

We are happy to report that for FY-07, the FLETC base budget has been increased by \$750,000. We have also received another \$915,000 in one-year funding which will be specifically targeted at reducing the basic training backlog. Many of you have heard us talking theoretically about this for some time, but now we actually have the funding to move this forward.

The vast majority of the FLETC budget is expended on the basic and field training program. In addition to the per student costs (travel to FLETC, travel to FTEP parks, etc.), the number of students we train each year also drives how many instructor salaries we pay, how many parks needed for the FTEP, and many other costs.

Training costs for students can range anywhere from \$25,000 to \$30,000 per student (from start to finish). With a current waiting list of around 100 rangers (plus adding 30-40 per year), it continues to take 2+ years for a ranger to attend FLETC after he/she is placed on the list, a trend that has been with the NPS for decades. Because much of the FLETC budget is directed at those two programs, the FLETC advanced programs budget remains nominal. Most of you still see the words "benefiting account" for much of the advanced training put on by FLETC.

Our goal as we progress over the next 18 months is to eliminate the vast majority of the basic training backlog. By doing this, we'll be able to solve several major issues. First and foremost, once someone is hired permanently, they'll get a FLETC assignment immediately instead of having to wait for years to attend. Secondly, reducing the number of students trained per year will enable us to redirect funding to other areas of need (e.g. advanced training, FTEP improvements, etc.), thus continuing to reduce cost burdens on the parks and improve other programs.

The short-term effects of this will be a massive number of students being trained over the next year and half. We are asking that park operations bear with us during this effort and help us to achieve this goal successfully. This effort will make us better on multiple fronts.

#### Special Agent Program

The NPS special agent program is receiving an additional \$500,000 in base funding increases for FY-07. This will allow for hiring of several vacant positions and other critical program support. It will also help to ensure we continue providing and maintaining an excellent level of services to the parks and regions.

#### 6(c)

This has been probably one of the most frustrating issues we continue to deal with. Recapping our conversation on the Tel-Net session in January, overall 6(c) is intact. Our primary problems revolve around rangers who applied for 6(c) coverage prior to the implementation of Ranger Careers in 1994. This part of the equation is complex and not fixed. These are normally the cases you hear about "getting denied." It is unclear at this point if we'll be able to effect a change (legislative or otherwise) that will fix this portion of the problem. We disagree with the Departmental interpretation of the 6(c) legislation and accompanying case law used to evaluate whether certain time meets the 6(c) definition.

The problem is exacerbated by the fact that the solicitor's office and Merit Service Protection Board (MSPB) have regularly agreed with the Firefighter Law Enforcement Retirement Team's (FLERT) interpretation and we

continue to try and work through that disagreement.

From the 1994 – forward standpoint, rangers should encounter no problems with coverage so long as they are in a 6(c) approved position description (benchmark or otherwise). Keep in mind that if any changes are/were made to your existing position descriptions, the FLERT must re-approve the PD. If changes have been made without their knowledge and approval, your time could be in jeopardy. It is the responsibility of the park senior law enforcement officer to ensure that employees working in existing PDs have the proper approval for coverage. If you're not sure about your specific PD, ask.

Lane Baker replaced Dennis Burnett as the deputy chief of law enforcement and security. She comes to Washington with a diverse amount of experience serving recently as the deputy chief ranger in Yellowstone. She also unfortunately had to go through the 6(c) appeals process herself recently. She will be closely involved on this issue and I encourage you to contact her with specific problems or questions regarding the past, present, or future.

#### **Seasonal Academies**

FLETC has recently completed an initial curriculum review of all seasonal academies throughout the country. This review was conducted for several reasons, but primarily to ensure that training curriculums from academy to academy were consistent. Greg Jackson, advanced training program manager, visited each academy, recommended changes, and now each curriculum is the same.

We will continue to analyze the content of those curriculums to ensure the depth of training is sufficient, especially in critical areas such as officer safety. FLETC will also be working closely to obtain law enforcement accreditation for each seasonal academy.

#### **In brief, a few other items:**

With the assistance of the FOP last year, the director signed a backcountry procedures policy memorandum. This memo outlines necessary operational, communication and other policy requirements relating to backcountry travel procedures.

- The January Tel-Net session was largely successful. However, we understand the frustration with many of the technical difficulties. The broadcast was geared towards providing maximum information on broader issues. We will be analyzing many of the positive and negative comments received to help us determine how/when this will occur in the future. We will also continue utilizing (and expanding the use of) Tel-Net for LE updates, safety updates, and other areas. Your feedback is especially important in helping us to determine what is helpful to you.
- We are continuing to work towards completing the new RM-9. This is a top priority as we have so many new policies (FTEP, Taser, etc.) and it is critical that we have this document completed as soon as possible. We are also looking at formatting adjustments which will allow us to make changes to specific sections without changing the entire document. We have reallocated a significant portion of funding towards accomplishing this task and will be looking for your comments once the final draft is complete.
- We have established an employee relief fund through the National Park Foundation. This fund will provide an immediate \$5,000 payment to the families of an employee killed while in the line of duty.
- We have innumerable other things going on but hope the information provided here gives you some general perspective on a few very important items. We realize this will not satisfy or answer all questions you may have. As always, we encourage you to contact us directly with any items of concern or issues you feel are not being addressed adequately. Do not operate under the assumption that we know of every issue you face.

Thanks again for the work you do for this agency!

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## **Do You Think Your 20 Year Retirement Is Secure?**

### **Don't Be So Sure!**

Colin Smith, Point Reyes

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Almost all of the discussion so far on the 6(c) retirement issue has been on back claims from the pre-ranger careers era. Since 1994, after Ranger Careers was implemented, most LE rangers have assumed that their 6(c) retirement is assured and that they need not take any further steps to deal with it. Unfortunately it is not nearly that simple.

The DOI Firefighter and Law Enforcement Retirement Team (FLERT) is responsible for approving all position descriptions (PDs) for 6(c) retirement coverage. Though the benchmark PDs have been approved by FLERT, they have been applied somewhat inconsistently throughout the service.

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*Anytime a change is made in a PD, it must be sent back to FLERT to be approved. This means that every time something as simple as a change in position number or a minor re-description is done, the PD must go back to FLERT for approval.*

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Basically the rules are that each position description must be individually approved for coverage, and anytime a change is made in a PD, it must be sent back to FLERT to be approved. This means that every time something as simple as a change in position number or a minor re-description is done, the PD must go back to FLERT for approval. Unfortunately this has not happened with a number of PDs for all kinds of reasons.

FLERT has made it clear that the individual employee is responsible for their 20 year retirement. Therefore you, as the employee, must make sure that all of your paperwork is in order. With FLERT's recent track record of

denying individual claims for LE retirement coverage, and their willingness to defend their denials as far through the court system as needed, it would behoove us to be proactive in this.

Here's what you should look for:

First, make sure you have an approved PD for the position you are occupying. In order to do this, you need to have a copy of your position description. You should have been given one when you accepted the job, if so, find it. If not, ask your personnel office for a copy. There should also be a copy of the PD in your Official Personnel File, but we have been finding a lot of problems with this lately (more on that later). Look at the following:

- If you are in a GS-9 (or 5/7/9) benchmark position, there is only one approved benchmark form. This PD is signed by John A. Mussare as the Classification Specialist and is dated 3/23/1994.
- All approved PDs have an approved stamp on them which will be "signed by a FLERT classifier". This is true for PDs at every grade level. Some of the PDs from the Ranger Careers era have a line which says "This position is proposed to be a designated Primary Law Enforcement Position for the purposes of Enhanced Annuity Retirement." This means the PD was written as Ranger Careers was being implemented. If you have such a PD in your OPF (or in your files), you should contact the park and get the approved PD (which should have been sent to them after Ranger Careers was completed) as that is the only approved PD.
- You should also check your PD by going on the FLERT website ([flert.nifc.gov](http://flert.nifc.gov)). There is a tab entitled "Bureau PDs." Then click on the NPS tab to access the park service listings. The Firefighter (FF) PDs are listed first, followed by the LEO PDs. They are listed by number (i.e. 1800-022, where 1800 is the park org code and 022 is the position number). HOWEVER, this list is not complete, so your PD may not be listed, but still be approved. Also, make sure to check the

classification date to assure there has not been a newer PD or that a newer PD hasn't been classified but not approved.

If you find a PD you were in which is not approved, we'll deal with that below.

Second, you should look at your Notification of Personnel Action (SF-50). In the block 30, Retirement Plan, if you are a CSRS employee, you should see an 'E.' If you are a FERS employee, you should see an 'M.' If you see some other letter, contact your personnel office.

WARNING: The retirement code alone is not enough to ensure your 20 year retirement; it is the approved PD which is the much more important issue.

***Now that you have found all of your PDs, you need to make sure there are copies in your official personnel file (OPF)!!***

When it is time for you to retire, your eligibility for special retirement (6(c)) and your annuity will be based on your work history, which will be based on the PDs which are attached on the right side of your OPF. Unfortunately, we have found many situations where parks have not attached the PDs into the personnel files. As we said before, FLERT has made it clear that it is the employee's responsibility to make sure your paperwork is in order. So, you should do the following:

1. Go look at your OPF (you have the right to see it whenever you want). Make sure that all the PDs from your positions are attached on the right side. Most parks should have the OPFs for their employees on site. Some smaller parks may have them stored at a regional office, check with your personnel office.
2. If all of your PDs are not in your OPF, you need to make sure they get there. Get copies and have them placed in the file. Remember, this is the key to your 20 year retirement, and it is going to be a lot easier to deal with this now than to deal with it 10 (or 15 or 20) years from now.

#### **Unapproved Position Descriptions**

If you find you are in an unapproved position description, you have two options.

1. Have the park send the PD in to be approved by FLERT. There have been several incidents where LE position descriptions have not been sent to FLERT for approval due to oversight or other reasons. In some cases, the PDs have been submitted to FLERT for approval, and it has been made retroactive to the classification date. This usually has been more effective when the PD have been classified fairly recently (3-5 years). The park must send in the PD to FLERT and they will either approve it or deny it. This can be done retroactively some years (there are no defined limits) after the PD has been placed in service, so if you run across this, talk to your personnel folks and get them to submit the PD for coverage.
2. If the PD cannot be submitted for approval, or if it is denied approval (for whatever reason), you can attempt to obtain "Individual Determination of Coverage." This is a similar process to the past practice of submitting a 6(c) coverage claim. The catch here is that you must submit this claim within 6 months of entering the position, even if you don't find out until later. You can attempt to get an exemption to the six month limit. To do so, you will need to convince the good people at FLERT that the reason for your untimely submitting is not your fault. And, they have said that "I didn't know" is not a good enough excuse.

Some of the following documentation may help in making your case:

- Was the job announced as approved for LE retirement? (Get a copy of the announcement if available, they are held for at least 3 years).
- Were you coded for LE retirement on your SF 50?
- Does the PD indicate that it is approved/designated, but doesn't have signatures?
- Affidavits from supervisors and managers will help.
- Records of LE contacts (e.g. arrests, citations, reports, etc.) can also be useful.

As you can probably see, getting individual coverage (and retroactive coverage) is an uphill battle, therefore when accepting a job offer to a new position, make sure the PD is classified and approved by FLERT before you take the job.

FLERT is starting to offer LE retirement training to personnel specialists and supervisors/managers. We strongly encourage you to attend one of these trainings if/when they are offered in your area. The training is not encouraging, but it is enlightening. They also have a lot of useful information on their website ([flert.nifc.gov](http://flert.nifc.gov)).

If you have questions, the people at FLERT will generally give you straight information about your LE retirement coverage, but they are not there to be advocates for us, so don't expect a lot of sympathy.

If you don't feel comfortable talking to FLERT, feel free to drop me a line with questions (I am not expert on 6(c) however) and I will try to get answers for you.

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**If It's Not Written in Your PD, You're Not Covered for 6(c):**

**A First-hand Story**  
Calvin T. Farmer

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Position descriptions and their lack of substance are killing any chance for rangers to be considered eligible for 6(c) annuities. If it's not written, you're not covered. And sometimes even if it's written, in error, you're still not covered.

It is important to get your position description right. The most recent reviews from FLERT and MSPB have shown that to be the only rule that governs their decisions. Even though the evidence rules for determining eligibility clearly say "...and any other official description of duties and qualifications," no consideration has been given to the 'other' in the most recent decisions.

**5CFR Sec. 842.804 Evidence**

(a) An agency head's determination under Sec. 842.803(a) (finding that a position is a rigorous position) must be based solely on the official position description of the position in question and any other official description of duties and qualifications. The official documentation for the position should, as soon as is reasonably possible, establish that the primary duties of the position are so rigorous that the agency does not allow individuals to enter the position if they are over a certain age or if they fail to meet certain physical qualifications (that is, physical requirements and/or medical standards), as determined by the employing agency head based on the personnel management needs of the agency for the positions in question.

One of the arguments against my 6(c) case was that I was a supervisor and under exempt status during the time I was in a primary position. Originally this position was classified as a supervisor GS-07 non-exempt before reclassification. The official personnel file had supervisor removed from it within three months after entering the position and the non-exempt status still remained. In 1994 after being in the position for three years, reclassifications were implemented. If you recall, those rangers who were promoted to GS-09s were listed as exempt. This was addressed and resolved in 1997 by having the status changed to non-exempt which was more in line with Federal Labor Standards Act guidelines. Some rangers' personnel files were changed appropriately but others were not. I fell into the 'not' category because the issue was resolved after I had been in another secondary position for two years. The new position was correctly classified as exempt. Without going into great detail, all of this paperwork classification chaos really added more confusion to my case. So, beware. If your files are so confusing that you have trouble deciphering them, then a judge will have even more trouble following your argument using that same information.

To FLERT's defense, it did give me credit for the one year as a GS-09 but still used the exempt status against me in arguments. Try to get updates to your paperwork as soon as possible.

After pondering the fact that now I had only one year of covered time in a

primary position, I pondered if there might be a chance to redeem my eligibility for an annuity by going into a primary position for two years. My understanding of the agency's interpretation of the regulations that govern eligibility has been that an employee in a secondary covered position who seeks eligibility for 20-year retirement with an annuity must meet two time requirements. The employee must have moved directly and sequentially into a secondary rigorous position from a primary rigorous position after first working three years in a primary rigorous position. What if I was to enter into a primary law enforcement position for two years in order to accumulate the required three years of primary coverage?

FOP counsel has advised that case law does not reveal any decisions that are solely based and decided along the agency's interpretation. Therefore, counsel said that it would probably be OK for an employee, covered under 5USC 8412 with an entitlement to an annuity, to claim eligibility for acceptable time that was accumulated over cumulative periods of employment in primary covered positions. The employee would need to adhere to the rule of no break in service beyond three days. For example, an employee who worked one year in a primary, then ten years in a secondary, then two more years in a primary and then seven more years in a secondary would be eligible for an annuity.

**5CFR842.802: Definitions**

"Conditions are satisfied." Also, note that the following statements are included under those conditions.

The condition in this definition that employment opportunities be limited does not apply with respect to an employee who moves directly (i.e., without a break in service exceeding 3 days) from one rigorous law enforcement officer position to another or from one rigorous firefighter position to another. Rigorous position is also deemed to include a position held by a law enforcement officer as identified in 5 U.S.C. 8401(17)(B) (related to certain employees in the Departments of the Interior and the Treasury).

**5USC8401(17)(B)**

(17) the term "law enforcement officer" means:

(A) an employee, the duties of whose position:

(i) are primarily

(I) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or (II) the protection of officials of the United States against threats to personal safety; and

(i) are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals, as determined by the Director considering the recommendations of the employing agency;

(C) an employee of the Department of the Interior or the Department of the Treasury (excluding any employee under subparagraph (A)) who occupies a position that, but for the enactment of the Federal Employees' Retirement System Act of 1986, would be subject to the District of Columbia Police and Firefighters' Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury, as appropriate;

**5CFR842.803 Conditions for Coverage**

(b) Secondary positions.

(1) An employee's service in a position that has been determined by the employing agency head to be a secondary law enforcement officer or firefighter position is covered under the provisions of 5 U.S.C. 8412(d) [see below], if all of the following criteria are met:

(i) The employee, while covered under the provisions of 5 U.S.C. 8412(d), moves directly (that is, without a break in service exceeding three days) from a rigorous position to a secondary position;

(ii) The employee has completed 3 years of service in a rigorous position, including any such service during which no FERS deductions were withheld; and

(iii) The employee has been continuously employed in a secondary position or positions since moving from a rigorous position without a break in

service exceeding 3 days, except that a break in employment in secondary positions that begins with an involuntary separation (not for cause), within the meaning of 5 U.S.C. 8414(b)(1)(A) [see below], is not considered in determining whether the service in secondary positions is continuous for this purpose.

**5USC8412 (d). Immediate retirement**

(d) An employee who is separated from the service, except by removal for cause on charges of misconduct or delinquency.

(1) after completing 25 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, or nuclear materials courier, or any combination of such service totaling at least 25 years, or

(2) after becoming 50 years of age and completing 20 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, or nuclear materials courier, or any combination of such service totaling at least 20 years, is entitled to an annuity.

These comments are my opinions and should be checked through the appropriate channels. If you have questions, please feel free to send emails to [6C@agapehands.com](mailto:6C@agapehands.com).

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**Notes From the Field**

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Hello to my dear and missed friends, FOP webmaster, and those who represent LE in or around the Salt Lake / Montana / Wyoming area.

Allow me to inform you of a great resource for law enforcement training that is relevant to our parks and the safety of our visitors.

Recently I was asked to coordinate the 2007 South East Utah Group NPS 40 hour LE refresher. One topic I chose was child abduction. I was directed towards three men who are exceptional in their field who are willing to travel and discuss their experiences particularly with the National Park Service. The only cost I incurred with them were the hotel for overnight

accommodation. They present an exceptional 8 hour class on how to establish a cooperative interagency plan in the event of a child abduction, start to finish on what to do and what not. Paul Murphy from the Utah Attorney General's Office, a National Board Member for the establishment of AMBER alerts came too.

They can supply training DVD's that every NPS employee should see, particularly our entrance station folks. They instruct how to obtain technical support that many of us were not aware existed. They will review three case studies: contact from a true stranger; known non family member; and a family member. They have worked some of the most famous cases including Elizabeth Smart and the Groene case in Idaho. They are wonderful people who want to come to your park. These are the people you want to put in your address book.

They are:

FBI Supervisory Special Agent  
Rick Rasmussen.  
[RickRaz77@cs.com](mailto:RickRaz77@cs.com)  
(801) 579-4630.

Sgt. Mark Scharman, Salt Lake City Sex Crimes Unit,  
[Mark.Scharman@slcgov.com](mailto:Mark.Scharman@slcgov.com)  
(801) 799-3730.

Paul Murphy, Director of Communications, Utah Attorney General's Office.  
[pmurphy@utah.gov](mailto:pmurphy@utah.gov)  
(801) 538-1892.

These are again exceptional people, I invite you to consider contacting them directly and inquiring if they could come to your park.

Thanks for your time. Feel free to contact me if you have any questions.

Thomas Wilson LEO #1405  
Canyonlands National Park  
Office : 435-259-8859 x12

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Guys,

Police Week is coming, May 13 is the Candlelight Vigil - which is really the big event. There are other events along the way, but the vigil is the one I wouldn't miss. I have included a link to

the site for the events and memorial:  
[www.nleomf.org](http://www.nleomf.org).

The NCR Rangers welcome and encourage rangers from other regions to join us. I am happy to serve as the contact point for anyone who wants to come to DC for the events. It would also be an opportunity for Lodge members to get together to honor our fellow officers. There is always a fellowship gathering of USPP and LE Rangers before the Vigil at the Anacostia airfield. USPP puts on a nice lunch/dinner and it's a good opportunity to get together with them.

Another important event of Police Week is the police unity tour. In past years Manassas had one or two staff members participating in the ride. Unfortunately, we don't have any from MANA this year - but I know that Rob Danno, Steve Mazure, and Krysia Baron are NPS Rangers participating. There's also some DOI IG folks involved.

I will work to see if I can find out who else from DOI/NPS is participating. These folks do fundraising that goes to the Law Enforcement Officers Memorial Fund in order to participate. I am working to get the schedule of the various rides: one leaves from FLETC; one leave from Portsmouth, VA; and another is up in Jersey.

Our superintendent always lets us go down to Quantico (closest location to us) on duty with the patrol car and cheer the folks on during their last leg to DC. The riders REALLY appreciated the cheering section and always enjoyed seeing LE Rangers. We received a lot of very positive feedback from the riders on us being there.

This is an important event that every ranger should attend at least once in a career.

Thanks in advance.

Lynne Stokes  
LStokes579@aol.com

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### Your Dues at Work

*Brother John Bruce was involved in a long struggle with the WASO medical review office. He contacted the Lodge. It was clear he had done everything asked of him and was getting screwed. The Lodge*

*approved a consult with our attorneys, Passman and Kaplan. John finally prevailed and is back on full duty. This is one of many examples of rangers helping rangers through the Ranger Lodge.*

### Brothers and Sisters:

I would like to thank you all for your support. My wife and I are especially thankful for you granting me a referral to Ed Passman. It was a relief to not have to go down to DC and sit before the medical review board.

I still seriously believe the NPS or Interior needs to look at how it is treating its Armed Forces Veterans. I would hate to see any of our brothers and sisters returning from Iraq and Afghanistan get treated like I was treated. The NPS still hasn't reimbursed me for the cardiopulmonary stress test and probably will not, even though the CFR states they should.

I am still waiting for a reply from my Senators and Congressman on this issue. I know my letter to Senator Specter was referred to my superintendent for reply. He returned it to WASO for reply since he felt the whole SNAFU was created by WASO and feels I was fit for duty all along.

Fraternally,  
John Bruce

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### Secretary's Message

George Durkee

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### Membership Drive

In the last two years, we've seen an increase in members who need help with adverse personnel actions, retirement issues, medical disqualifications, housing problem or any of a zillion other ways an individual ranger can be jacked around. In cases where the Board or other knowledgeable members can't find a solution for the ranger in need, we will refer that person for a consultation with Passman and Kaplan. P&K can advise on what the law is and the best course of action for the ranger to follow. This is a critical benefit of being a member of the Ranger Lodge and one of the many ways your dues are used to help us all. This is also a reminder to everyone: If you don't have officer liability insurance, get it now.

Today! Go to the Lodge website and check the links on various plans and insurers.

In addition, John Waterman is talking to the Grand Lodge legislative office to coordinate several trips to Washington, DC to talk to DOI and WASO staff as well as Congressional staffers. Two or three of our Board will be making these trips in the coming months. Needless to say, though, all this gets expensive and we need to increase our membership to support these efforts.

To help us pay for these efforts, the Ranger Lodge is starting a Spring Membership Drive and is asking our members to recruit others to join us in our efforts to advance our profession and help our fellow rangers in times of need. The ranger who generates the most membership referrals will get a \$100 gift certificate at Galls.

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*The ranger who generates  
the most membership  
referrals will get a \$100 gift  
certificate at Galls.*

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We'll also make available flyers to put on your office bulletin boards or to leave in the coffee room. Just ask your friends and colleagues to write "Referred by (your name) at (your park)." If the new member joins online, ask them to send an email with the same information to:

[foplodge@sonic.net](mailto:foplodge@sonic.net). The ranger who's responsible for the most referrals gets a gift certificate for \$100 at Galls. The only restriction is the **minimum number of referrals has to be 4 or more NEW members, seasonal or permanent**. "New" means the ranger hasn't been a dues-paying member for at least two years. Write or call us and we'll send you more newsletters or our recruitment flyer.

### Next Protection Ranger issue: stories from the field.

As John mentioned in the President's Message, we were gratified to have a few new members come forward and offer to help with Lodge business. We can't emphasize this enough: we're an all-volunteer outfit. If no one helps out, nothing gets done. Or, as is too often the case, the same people do all the work and get burned out. The same is

true of the newsletter. We've been remiss in getting out our usual number of issues. As editor, I apologize for that. But, to get out an issue, I need articles. After whining and pleading through E-mails and the web site, I was hugely happy to see several rangers jump in with articles for this issue. The best articles are those from field or supervisory rangers sharing the benefits of their training or experience with others. We're a pretty scattered bunch and lines of communication among parks is not very good, especially among law enforcement. What works, what doesn't? What's your park doing?

A few specific subjects that would be of interest to your fellow rangers:

Got Tasers? How are they being implemented in your park? Any problems or issues?

GPS in SAR or LE: GPS technology has been around for a long time but adoption of the technology has been slow within LE divisions. It's a natural for SAR work and has many applications for LE. The new Director recently expressed interest in providing GPS units to all rangers. Rather than have another electronic gizmo gathering dust on a shelf, it would be good to have some applications and training developed for employing GPS. What's your park doing?

Speed enforcement: Not a popular program with many non-LE managers. Several parks were able to sell their programs to managers not only because enforcement would reduce accidents, but the number of animals hit on roads would, presumably, be reduced as well. Has your park had coordinated speed enforcement programs? How'd they work?

Safety, safety, safety: Last year, Ranger Pieter Sween described his experience after being involved in a shooting at Crater Lake. A number of parks requested permission to use those articles in their LE training. What do you do to make sure you go home at the end of the day? Have you been involved in a critical incident? What did you learn?

We're not talking a PhD dissertation here. A few paragraphs to a page or two. Just sit down at your computer or even <gasp> pen and paper and jot down anything you think will benefit

your colleagues. Get it to me at [fopldodge@sonic.net](mailto:fopldodge@sonic.net) by our newsletter deadline of May 15<sup>th</sup>.

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## Are We Breeding a Police Culture of "Additional Victims?"

By Chuck Remsberg  
Senior PoliceOne.com Contributor

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Part 1 of a 2-part series

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Law enforcement agencies "should build a police culture that accepts, validates and rewards a fighting spirit." Instead too many are creating "additional victims," hesitant officers who shy from using deadly force when it's legal and urgently needed. The result: "Some officers today are more afraid of being sued than being murdered!"

That sobering message was delivered passionately in Milwaukee earlier this month by one of a rare breed, a tell-it-like-it-is administrator, Chief Jeff Chudwin of Olympia Fields (Ill.) PD. Chudwin spoke on "Surviving Officer-Involved Shootings and the Aftermath" to kick off an intense tactical operations seminar produced by the Association of SWAT Personnel, Wisconsin, hosted by the Milwaukee County SO and attended by nearly 200 SWAT-team operatives.

A former street cop, former prosecutor, long-time president of the Illinois Tactical Officers Assn. and a PoliceOne contributor, Chudwin across a rapid-fire, provocative two hours presented graphic illustrations of what can only be called the wimping of American policing, and issued a stirring call for change. In some cases on-scene video drove home the impact.

A plainclothes officer is being slashed in the face and neck during a ground fight with a knife-wielding suspect. Under life-threatening attack, he hands his gun to another officer because "he's afraid

he'll discharge the weapon accidentally" during the struggle. "He gets praised by the media for 'showing restraint,' but what he did makes my skin crawl," Chudwin declares. "Why didn't he shove the muzzle in the suspect's eye and pull the trigger?"

Another officer responds to a man-with-a-gun call at a food mart, sees the suspect with a gun in hand but stays in her patrol car. The suspect grabs a citizen whom he forces to the ground at gunpoint. The officer fails to intervene. The suspect murders the captive by shooting him in the head. Still no action by the officer beyond "officially observing." Responding backup finally kills the offender. A disturbing footnote to this event, Chudwin says, "is that some of her peers feel the first officer did nothing wrong."

An offender who has murdered his girlfriend is outdoors in a residential neighborhood firing a gun randomly. He's surrounded by SWAT but the officers take no action other than trying to maintain a loose perimeter, even when he points his revolver directly at them. The standoff drags on through many threats to police and public until he eventually is shot when he closes in on an officer and points the gun at him. When Chudwin asks the officers why they didn't fire earlier, they explain: "Our commander told us not to shoot him." "An outrage!" Chudwin declares. "If you're putting an offender at the top of the list for safety, then you have your priorities screwed up. Why are we catering to the person who created the problem?"

SWAT officers are offered rapid deployment training by a tactical organization but back away from the concept because they consider it "too dangerous." "We don't run into the muzzle of a machine gun," Chudwin chides, "but we do run into danger every day, and we should be prepared to do it."

An active shooter is inside a fast-food restaurant killing people. A SWAT team is ready to make entry or to fire through glass to take him out. A commander en route but 10 miles out orders the officers to stand down until he gets there..A commanding officer instructs his street personnel, "You can't shoot at anyone until you are shot at first".. A chief states that anyone

who can't control an aggressive offender with a knife from 5 to 7 feet away without using deadly force should not be a police officer – all examples of “lunacy,” Chudwin says.

“That kind of thinking can put you in a black hole you can't get out of. This is the culture we have to get away from. There is no obligation for you to be injured, wounded or murdered” rather than shooting to stop a lethal threat.

Chudwin made clear that he is not advocating the development of rogue officers who pursue vigilante missions on the street. But he does feel that officers and agencies should embrace a greater willingness and readiness to use lawful deadly force in appropriate circumstances.

“Predators are out there, not afraid of us, willing to attack us,” said Chudwin, who has had two friends who were murdered on the job. “But officers often back away from aggressively finishing the fight.”

Part of the problem, he suggested, is unrealistic training that teaches officers to rely on tactics and equipment that in many real-life confrontations don't work.

Field experience has well established that pepper spray, for example, “won't work against people who are committed and willing to fight to the death.” Yet he showed dramatic video of a determined naked man moving threateningly down a city street with a knife after having cut off his own penis. Responding officers attempted – futilely – to control him with endless verbal commands and bursts of OC. Their solution ultimately was to risk their own safety by dog-piling him.

Why waste time and heighten your personal risk “by trying something that cannot work, like pain compliance against a crackhead who can't feel pain?” Chudwin asked. “Why create false expectations of success?”

He deplored the tendency, again often reinforced in training, to over-verbalize. “Show me a Supreme Court case or statute that says you must give verbal warning before using deadly force,” Chudwin challenged. “There isn't one.

“It's not necessary to talk to somebody when they're trying to murder you. You can do it, but there's no legal obligation to and tactically it's not desirable. There

are some offenders you simply can't negotiate with. Yet officers want to take things to the last instant because they have imprinted in their mind ‘I don't want to shoot.’”

Reacting properly in threat situations depends on having the right mind-set, Chudwin stressed. “When you go out on the street, the first thing you say when you get in your patrol car should not be, ‘Oh, God, I might get sued today.’ You really have nothing personally to fear from liability when you follow law, policy and procedure. But fear of liability has led to the murders of police officers.

“If you're more concerned about getting sued than getting murdered, you can't do the job like it needs to be done. You're a threat to yourself and to others.”

Regarding deadly force, “you have to know what you can do and when you can do it, and be prepared to do it immediately, without hesitation. If you fail any part of this equation, you will fail on the street.”

The willingness to emphatically stop a life threat needs to be part of your mind-set off duty as well as on, Chudwin reminded. “Only 25 per cent of officers in some areas carry off duty, and then they carry no extra ammunition,” he said in disbelief.

“Have some firearm on you always. You will be some place someday with your family and some antisocial s.o.b. will come up to you and want to cut your throat and take your children away-and you're not going to let him.

“Remember, there is no coming back from the dead. If you understand that, you will come home at night. You may be a little battered but you won't be full of holes because you gave some predator verbal commands rather than shoot him.”

NEXT: “7 Reminders that Could Save Your Bacon After a Shooting”-Chief Jeff Chudwin's practical considerations that can help you survive after the smoke clears.  
(<http://www.policeone.com/writers/columnists/CharlesRemsberg/articles/1189660/>)

#### About Charles Remsberg

Chuck co-founded the original *Street Survival Seminar* and the *Street Survival Newsline*, authored three of the best-selling law enforcement training

textbooks, and helped produce numerous award-winning training videos. His nearly three decades of work earned him the prestigious O.W. Wilson Award for outstanding contributions to law enforcement and the American Police Hall of Fame Honor Award for distinguished achievement in public service.

#### Time to Renew?

If you have recently received a notice of renewal (*check your mailing label on the newsletter for your expiration date!*), please send your dues in soon. You may renew using the envelope provided or go to our web site:

[www.rangerfop.com/join.htm](http://www.rangerfop.com/join.htm)

And, if your newsletter mailing label has a red dot on it, we're about to cancel your membership. This will be your last issue of *The Protection Ranger* and your last chance to support our efforts to advance our profession. Avoid the guilt – send your dues in now! If our information is in error, write and we'll correct it.

We now offer the option of signing up for yearly automatic renewals with your credit card.

If you've moved, please send us an email at [fopldodge@sonic.net](mailto:fopldodge@sonic.net) and tell us your new address.

Member support is always available by email or phone: 800-407-8295.

Call *only* between 10AM and 8PM Eastern Time.

Many thanks for your continued support.

George Durkee  
Secretary

**Lodge Website**

The Lodge website is updated with notices and links to other sites that we think are interesting and/or helpful to resource based law enforcement officers. Visit it often between issues of the Protection Ranger to keep current on things that affect you and your job. Our address is [www.rangerfop.com](http://www.rangerfop.com)

**Application for Membership**

You may also join, renew and pay your dues online: [www.rangerfop.com/join.htm](http://www.rangerfop.com/join.htm)

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the U.S. Park Rangers Lodge, FOP. If my membership should be revoked or discontinued for any cause other than retirement while in good standing, I do hereby agree to return to the Lodge my membership card and other material bearing the FOP emblem.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

DOB: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Permanent Rangers: \$60/year  
Seasonals and Retired Active Members: \$40/year  
Associate (non-Commissioned) Membership (Newsletter only): \$35/year

Renewals: You do not need to send in this form to renew. Enclose a copy of your Commission (new members only).

Agency and Work Unit: \_\_\_\_\_

**Mail to: FOP Lodge, POB 1481, Twain Harte, CA 95383**  
**Phone: 1-800-407-8295 10am-7pm Eastern Time or email**  
**[foplodge@sonic.net](mailto:foplodge@sonic.net)**



**National Park Rangers Lodge**  
**POB 1481**  
**Twain Harte, CA 95383**

