

The Protection Ranger



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The Newsletter of the U.S. Park Rangers Lodge, Fraternal Order of Police Vol. XV • No. 4 • 2005

The Protection Ranger is a private in-house organ meant to inform the membership of the US Rangers Lodge of activities that affect them as members. The Protection Ranger is for members only and is our means of communication among our continent-wide membership.

President's Message

I am saddened by the news of the death of U.S. Park Ranger Jeff Christiansen. I had hoped for a different outcome. My thoughts go out to Jeff's family, his friends, and the staff of Rocky. Jeff's sacrifice will

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not be forgotten; he died a hero. I also would like to thank everyone involved in the search; your efforts and dedication during this incident are inspiring.

While putting this edition together, we decided to use officer safety as a theme. The past several months we have seen several officer involved shootings, assaults, chases, and other high profile crimes occurring in our parks. The NPS has the philosophy and direction to assure the public that the parks are safe; the general public will believe it because most don't realize the dangers and rely on the NPS to inform them of potential dangers. Though I don't believe visitors have a higher probability of being victimized in their National Parks, I know the dangers are just as real and probable as they are in the surrounding communities in which the park resides.

The dangers for the Rangers are real and we confront them on a daily basis. These dangers, whether it is on a traffic stop, domestic dispute, wild land fire, rescue, or any of the daily things we do, are not becoming less prevalent. With our staffing levels decreasing and our ability to conduct proactive patrols nearly non-existent, it's not a surprise that crime stats are possibly decreasing.

A lack of a proper case incident reporting system, fewer rangers to interdict and report crimes, and an overall philosophy to downplay the activity; are possibly a few possible reasons for this decrease.

The dangers we face also the direct result of years of inaction by the NPS. The NPS has created a nationwide network of unsafe working conditions. Whether it is an aging radio system, patrol cars with exceedingly high miles, refusal to follow their own policies, realigning funds earmarked for Law Enforcement, or an overall inability to enact meaningful reforms to the program; these problems are fixable with a program structure that holds a level of accountability to the managers.

The IACP, OIG, and FOP have given the NPS the framework for improving the program. The National Park Service's refusal or inability to act on these recommendations will eventually result in the serious injuries or deaths of more Rangers. The NPS needs to be held accountable.

**Greg Johnston
President**

LATE NEWS:

Jim Detterline's Petition for Review was upheld in his favor.

United States of America Merit Systems Protection Board
James L. Detterline, Appellant v. Department of the Interior,
Agency

Date: August 3, 2005

Docket Number DE-0842-04-0219-I-1

W. Craig James, Esquire, Boise, Idaho, for the appellant.
Patricia M. Miller, Esquire, Lakewood, Colorado, for the agency.

Before: Neil A.G. McPhie, Chairman & Barbara J. Sapin,
Member

After fully considering the filings in this appeal, we conclude that there is no new, previously unavailable, evidence and that the administrative judge made no error in law or regulation that affects the outcome. 5 C.F.R. § 1201.115(d). Therefore, we DENY the petition for review. The initial decision of the administrative judge is final. This is the board's final decision in this matter. 5 C.F.R. § 1201.113.

We ORDER the agency to grant the appellant the appropriate amount of LEO retirement credit, which was awarded in the initial decision. The agency must complete this action no later than 30 days after the date of this decision.

Keeping Your Social Security

Our National FOP is leading the way to get Congress to pass a bill which will eliminate the Windfall Provision of the Social Security Act. This

provision impacts federal law enforcement officers especially because, as a profession, we retire early and often take jobs that are covered by Social Security.

When we work our ten quarters and find ourselves eligible for Social Security payments at age 62 or after,

we find that the benefit we were counting on is reduced by as much as 60%. The FOP has the elimination of this provision as their number one priority. The Government Pension Offset also works to the detriment of officers who retire, work in a Social Security covered job and then retire after attaining status. In nine out of ten cases the Government Pension Offset eliminates the spousal benefit. According to the Congressional Budget Office, the GPO reduces benefits for approximately 200,000 individuals by more than \$3600 per year.

These companion bills are: HR 147 and S 619. The management of the NPS has not taken a stand for or against this legislation.

Randall Kendrick,
Lodge Executive Director

Letter Sent

US Park Rangers Lodge
Fraternal Order of Police
PO Box 151
Fancy Gap VA 24328

Hon Fran Mainella, Director
National Park Service
1849 C St NW
Washington, DC 20240

Dear Director Mainella:

The search for a missing NPS ranger in Rocky Mountain National Park brings to mind the continuing poor safety record of the National Park Service. This is a record we all want to improve upon.

Personal Locator Beacons cost \$600 and are available from companies

like REI and Cabellas. They can lead rescuers to an injured ranger through satellite technology; or, rangers could use them if they come upon an injured visitor in an area that lacked radio coverage. There is no excuse for the agency sending rangers on duty into remote areas known to lack radio coverage without this essential safety tool.

We urge the NPS to equip back country rangers hiking alone with these devices, starting with those in large parks with known radio coverage problems. These would also be very useful for resource managers monitoring back-country resources alone.

We also believe that Personal Locator Beacons do not have to be assigned to an individual: The park can maintain the inventory and an employee on such an assignment would merely check the device out for the duration of his/her work in the back country.

One other item: Rangers, and others alone in remote areas, should be provided with a second battery for their portable radios and be told to carry it.

The NPS has, time and time again, has said that employees are the agencies most important resource. This is a simple way to show that they are.

Sincerely,
Randall Kendrick
Executive Director
US Park Rangers FOP Lodge

Staying Alive on the Job

While the shooting at Crater Lake is still fresh in our minds, I think that it is appropriate to remind ourselves of two studies done that document the type of officer that is most likely to be assaulted on the job and how close a routine law enforcement encounter can turn deadly for the officer.

Both the FBI and DePaul University have undertaken studies in this field. The DePaul U. study was with the assistance of the Chicago PD FOP Lodge, and FOP members cooperated in that study.

One of the most surprising findings, and one most relevant to Lodge members, is that the level of seriousness of officer injury increases as years of service increase: The longer you have been on the job is a risk factor, not a protector.

This would seem to call for retraining veteran rangers rather than just having an annual 40 hour refresher. The Chicago study found that officers with less than three years on the job had less than half the risk of an injury resulting from an assault than an officer with 21 or more years of service. However, the seriousness of injuries declines when officers have a partner.

Officers who have never been assaulted also have a lessened chance of experiencing gun violence.

Let this sink in: the greatest number of serious injuries occur among officers with the greatest number of years on the job. The Chicago study noted the fact that the circumstances during which officers are most

frequently assaulted are the same as those in which police officers are killed: domestic disturbances and making arrests. The only difference is that officer deaths ARE most often the result of firearms while assaults are most often the result of personal weapons [fists, feet, teeth, etc.] The element of chance plays a big part in determining whether an incident of assault stays at that level or turns lethal.

Further, officers who are assaulted do not differ significantly from the counterparts who have not been assaulted on the basis of gender, height, weight or education. The FBI study lists these risk factors: The agencies involved placed an unbalanced emphasis on public relations and service over law enforcement presence; the officers used less force than their peers in similar situations; the officers used force later than their peers; they would shortcut rules and procedures out of convenience to themselves or courtesy to the suspect; they would act without waiting for backup to arrive [this was found to be the greatest mistake an officer can make; they relied heavily on "reading" people; and, the officer would drop his/her guard when they perceived the suspect to be "good".

With these studies showing the risk of a significant assault on an officer rising with years of service, it would indicate a retraining effort should be made by the agency. This is especially true in the NPS where some superintendents are documented to put their newly trained commissioned rangers through a period of "de-FLETC-ization." Such a

management action is a recipe for an assaulted ranger; and, as the studies show, the difference between a battered officer and a dead officer is often a roll of the dice.

The NPS has commissioned a study regarding assaults on NPS rangers. We have asked that the study be issued widely, and used to develop training to reduce the assaults on rangers. We find it sad that the NPS has not issued the report, and has not used its contents to change its attitude toward officer safety in the agency.

Delaware Water Gap Chapter News

On Wednesday, June 15th, 2005, the Delaware Water Gap Chapter of the Fraternal Order of Police held its ninth triathlon at the Delaware Water Gap National Recreation Area. The triathlon consists of a 2 mile, two person canoe segment down the Delaware River, followed by a 1½ mile run, and anchored by a 6 mile mountain bike race. This year there were 5 four person teams competing in the events. The competitors consisted of Rangers, a Ranger's Spouse, Maintenance, and Fire Management employees from Delaware Water Gap NRA (DEWA), and a Ranger from Upper Delaware S&RR (UPDE).

This year's winning team consisted of three Protection employees and one Maintenance employee from Delaware Water Gap NRA, with a lightening time of 43 minutes, 9 seconds. Winning team members were Phil Selleck, Randy Fisher, Joe Hinkes, and Gary Kimsey (see photo). Their names will be added to the plaque with all the past and

future winners of the triathlon. The plaque will move from its present display area at the Bushkill Meeting Center to Park Headquarters. Congratulations to the winners and all of the competitors. Great weather, good friendly competition, and hard work made for a very successful event and picnic.

Plans for next year's triathlon are already underway. Anyone interested in competing and for more information about the DEWA triathlon please contact Mike Fernalld, DEWA Chapter President at (973) 948-6500, or e-mail him at (H) m_jfernald@nac.net or (W) michael_fernald@nps.gov.

This year the Chapter again sponsored Rangers to attend the World Police and Fire Games by paying their entry fee. The event was held this year in Quebec, Canada.

The three competitors, Chris Kross, Mike Zirwas, and Randy Fisher did an excellent job at the 2005 World Games. Much of the competition are professional athletes and are granted paid time by their agencies and funded to attend the games. Our Rangers have worked on their own time to prepare for these games and go there at their own expense.

Both Chris Kross and Mike Zirwas competed in the TCA (Toughest Competitor Alive) competition. This competition consists of eight grueling events, a 5 Km Run, Shot-put, 100m Dash, 100m Swim, 6.1m Rope Climb, Bench Press, Pull-ups, and an obstacle course, taking place all on one day. Chris placed 6th and Mike placed 7th amongst the field of hundreds of competitors.

Randy competed in three cycling events, a Road Race, Time Trial, and a Hill Climb, in which he stated that "the competition was fierce". Randy placed 13th, 14th, and 19th, respectively, among hundreds of competitors from around the globe.

Excellent job guys! We are proud of you. Your dedication and spirit shows! The FOP will be there for you again if you choose to go to Adelaide, Australia in 2007.



**The Winning Team - 2005
DEWA FOP Triathlon**

Bottom left - Randy Fisher
Top Left - Joseph Hinkes
Top Right - Gary Kimsey - Team Captain
Bottom Right - Phil Selleck

Lodge Letter to NPS Director

This was a letter to the NPS director:

Dear Ms Mainella:

Our Ranger FOP Lodge would like you to consider endorsing the Social Security Fairness Act which will repeal the Windfall Elimination Provision and the Government Pension Offset. Both of these provisions are detrimental to former

law enforcement officers of the National Park Service.

Since we have jobs that require a young and vigorous workforce, many if not most, ranger retirees take jobs in the private sector that are covered by Social Security. When we become vested, and retire from our second career, we find our Social Security slashed by approximately 60%. This Act would eliminate this inequity.

This bill also eliminates the Government Pension Offset which also works to the disadvantage of retired officers by eliminating the spousal benefit in the vast majority of cases.

I hope after you consider this proposed legislation, you will support it. Your rangers and park police officers will be very grateful.

Sincerely,
Randall Kendrick
Executive Director
US Rangers Lodge, FOP

Investigating Domestic Violence

by Tony Macri

The increase in violent domestic assault in the United States has brought about stricter laws pertaining to the punishment of its offenders. The federal government has placed bans on any person possessing firearms who has been charged with domestic violence. This is whether or not they have been prosecuted: Just the charge will do

As with any crime, the National Park Service is no stranger to domestic violence. People under pressure to

"enjoy their vacations" are sometimes just a step away from participating in violence. With alcohol a factor, the outcome can be violence. Many park areas often experience the results of domestic violence.

Domestic violence can occur anywhere at any time. Maybe your park has inholdings, campsites, or park employees living on site. Working a recreation area can sometimes produce a domestic case after domestic case on a busy summer weekend.

Many states are altering their laws pertaining to the arrest and prosecution of offenders. In the past, many laws required the cooperation of the victim to successfully prosecute the actor. Now many states have changed their laws so officers can proceed with an arrest and prosecution by their observations and collection of evidence.

I have been successful in have some federal prosecutors proceed with these cases in this manner. What will it require on the park's LE rangers and/or criminal investigators is to check your state's laws and speak with your prosecuting US Attorney. With the problem of domestic violence increasing, many prosecutors are more willing to move forward with domestic violence case. It is a better way to handle these cases than, say, to release with a disorderly ticket.

Many times the offender upon being released on bail will pressure the victim against testifying. In the past that would be enough to lose the case entirely, and that problem still exists. However, the following investigative techniques can be followed to build your case against an offender whether

or not the victim is willing to testify.

EVIDENCE COLLECTION

As with any investigation, evidence collection is vital to your case. Use a checklist of relevant items that will help remind you what you'll need during the hectic on-scene commotion. All items such as bloody clothes, fingernail scrapings and 911 emergency call tapes should be collected and inventoried. EMS reports will also be helpful to add into evidence. Remember, all tapes or reports not in original form will have to be worthy in court. A reason why the original report is not in court, if that is the case, will have to be explained.

STATEMENTS

Record all excited statements exactly as you hear them upon your arrival and during the duration of your stay at the crime scene. Possibly a second ranger can devote his/her entire time at the scene to recording such statements. Also document the appearance and physical state of the victim and the actor.

PHOTOGRAPHS

One of the most important investigative tools next to the collection of physical evidence is a set of photographs. photograph and victim's injuries, overall appearance and the crime scene. Black and white film will sometimes show the injuries better than color. If both films are available, both should be used for documenting the victim's injuries. Crime scene sketches, of appropriate, should also be done. If an arrest is made, mug shots should be taken to show the offender's appearance to the court especially of self defense is claimed.

INTERVIEWING

Interview all witnesses is any, at the scene and document each one. If the victim is able, have him/her prepare a statement on the events that happened. If the victim is unable to write, have a ranger document the statement word for word. Have the offender also prepare a statement in his/her own words.

AUSA's should be advised of the arrest as soon as possible and, in addition to the evidence, advised on the subject's ability to flee and any past history of violence as evidence for bail or non-release. All criminal histories and past acts that tend to show the offender as violent should be documented.

Letter to the Director, NPS

Dear Ms Mainella:

Actions taken by the Department of Interior FLERT team are devastating the lives of NPS employees. I think that it is fair and accurate to say that the "reviews" given to commissioned park ranger careers has reached a crisis. FLERT is taking away huge chunks of rangers' careers making it impossible to retire under the 6[c] retirement plan.

In those few cases where a ranger wins before the MSPB, FLERT appeals to the full board. This is devastating to the ranger's career if he/she loses and plays havoc with rangers life savings even in cases where there is a successful outcome.

You can imagine what this does to morale: it kills it off and makes those rangers with the ability to move to

seek employment in another federal law enforcement agency where working conditions are safer and management is supportive of the officers' efforts.

Clearly, you need to act now.

FLERT is a DOI program. DOI is responsible for this anti-employee action that is adversely affecting the NPS.

We ask you to take two courses of actions. First, we ask you to speak to the Secretary to get FLERT off the backs of veteran rangers; and, stop their incessant campaign to ensure NPS rangers don't receive law enforcement retirement.

Second, we recommend that this administration support the pending Bill in Congress to codify into law the 6[c] status of commissioned rangers. This Bill has many co-sponsors and has a decent chance of passage.

We ask that you do this for your workforce that puts service ahead of personal safety everyday they enter on to duty,

Sincerely,
Randall Kendrick
Executive Director
US Park Rangers Lodge, FOP

LODGE ELECTIONS

We will be holding elections for all Lodge offices right at the first of the year. Ballots will be included in the Protection Ranger and all Active Members in good standing [including Active Retirees] are eligible to vote. In other words, everyone but Associate members can vote.

There are several offices that do not, or will not, have incumbents. These include a Vice President, the Secretary, and the Trustee. The officers in the other positions have not announced their intentions but for the sake of continuity, it is hoped that most, if not all, will serve another term.

I am available to talk with any and all members willing to step up and serve the Lodge. 800 407 8295. Perhaps you feel now is the time to work for Lodge goals as a member of the executive committee; I hope so; new ideas are needed and very welcome. We intend to introduce the candidates, in their own words, in the issue before the ballots are sent out with additional comments in the ballot-bearing issue.

Please strongly consider standing for a Lodge office. There will be more information next issue but now is the time for you to seriously think about making a commitment to your fellow FOP members.

Randall Kendrick, Secretary



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1-800-407-8295

FOR IMMEDIATE RELEASE -Wednesday, August 3, 2005
Contact: Chas Offutt (202) 265-7337

ATTACKS ON NATIONAL PARK LAW ENFORCEMENT HIT ANOTHER ALL-TIME HIGH Ranger and Park Police Staffing Cannot Keep Up with Rising Security and Visitor Demands

WASHINGTON, D.C.—Threats, harassment and attacks against National Park Service rangers and U.S. Park Police officers reached a new record in 2004, according to agency records released today by Public Employees for Environmental Responsibility (PEER). Chronically understaffed NPS law enforcement is facing growing homeland security needs and increasingly violent situations with static resources and little agency support.

National Park Service commissioned law enforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98. Law enforcement work in the National Park Service is the most dangerous in federal service. National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents. Overall, NPS law enforcement has a morbidity rate triple that of the next worst federal agency.

Across the country, nearly half of all the incidents (54) took place in areas under the jurisdiction of the U.S. Park Police on the National Mall, the Statute of Liberty, the Golden Gate Bridge, the Camp David perimeter, dozens of D.C. area parks and five parkways. Yellowstone National Park experienced the most number of incidents (16) in 2004 of any single park.

“The National Park Service has an astoundingly poor safety record for its officers,” stated Randall Kendrick, Executive Director for the U.S. Park Rangers Lodge of the Fraternal Order of Police, noting that NPS allows people without a law enforcement background to manage the law enforcement function in most parks. “If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality and it is not unheard of for an assault to go unreported altogether.”

The Department of Interior’s Office of Inspector General has repeatedly called for more officers on duty in the NPS but these recommendations have yet to be heeded. Due to continuing budget cuts, the outlook for more officers in the upcoming fiscal year is even bleaker.

“The U.S. Park Police today has fewer officers than it did before September 11, 2001,” commented PEER Executive Director Jeff Ruch, whose organization is representing former U.S. Park Police Chief Teresa Chambers who is fighting her termination for speaking out against the dangers posed by understaffing to the visiting public and to national icons, such as the Lincoln Memorial and the Washington Monument. “On top of an expanded homeland security role, the day-to-day demands of police work on the U.S. Park Police continue to grow but its resources have not kept pace.”

The National Park Service is the only land management agency that refuses to track violence directed against its biologists, naturalists and non-commissioned rangers, according to PEER which maintains the country’s only database documenting violence against federal resource protection employees.

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Lodge Website

Brother Duane Buck has built and maintains the Lodge website. We keep it 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. The address is www.rangerfop.com

Application for Membership

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: _____

Permanent Rangers: \$60/year
Seasonals and Retired Active Members: \$40/year
Associate (non-Commissioned) Membership (Newsletter only): \$40/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 151, Fancy Gap, VA 24328
Phone: 1-800-407-8295 10am-10pm Eastern Time or email randallfop@ls.net



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