



# NEIA CONNECTIONS

## Volume 2, 2016



### EDITORIAL

The Dallas and Baton Rouge Massacre were not just a tragedy for the officers' family, or its police department but one that has grave consequences for the nation's future security. Previous newsletters have suggested that there is a bull's eye on the backs of every police officer in this country. But also it is a sign of anarchy in terms of anti government and anti establishment. For some, nothing has changed in terms of race relations in this country. Others note change has accrued but now is the time to transform it into a more equal society. Some of our colleagues may feel that this is another bump in the road that democracies go through from time to time. Their goal is to get past the rhetoric and continue to focus on improving accountability, policy, practices and training. To a great extent they are correct in responding to current events. But this bump is getting bigger and will be around much longer than we think. If true, should we be asking the question are we focusing too much on feeding the anti police critics whose demands and appetite for drastic change is insatiable? The best defense is a good offense.

Still, we are dealing in an ideological environment today where we can't even agree on a simple set of facts. Our country is politically divided into two warring camps. Watching the media and many of the broadcasting networks, one can observe that the truth is just an inconvenient fact that many of our critics simply chose to work around in order to arouse a sensitive minority or increase media ratings. A few of my friends in the public relations and marketing research advise me that the police have the best factual story but it doesn't have a seamless narrative or appraisal of what is actually taking place.. Our adversaries, some well meaning and those with a specific agenda have an emotional response to the facts that contradict even judicial decisions. When confronted with the facts, they are more apt to say, "it doesn't matter, the police are wrong". Unfortunately, words are the new weapons in the anti police critique.

We need to change the response dynamic in the national arena of public opinion particularly among social scientists and persons of influence who appear detached from the reality faced by police officers whose environment can change in a moment from a state of calmness to complete chaos, frenzy, fear, disorientation etc. Unfortunately all of those circumstances can surface an unintentional consequence and even an opportunity for poor judgment. Yes, we must continue to focus on the officers' accountability but let's appreciate the difference between an unintentional tragic accident and a willful malicious attack. And yes, there is a penalty for both types of encounters. And the street is not the place to pronounce judgment.

It's important to stress building trust in a community but that's only one dimension to the process. We have to continue to educate the public and where possible the media and those sectors that have influence over public opinion.. We can't leave that portion of the trust process to those street

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activists, elected and aspiring politicians or those whose agendas clearly are not in the public interest. No matter how well and often we communicate with our community and governmental officials, it's been my experience that we are always talking to a parade. Given the large populations we serve, most of our citizenry have never participated in community meetings or are aware of the many programs that have been developed on their behalf. Their bottom line is crime up or down, do they or their loved ones feel personally threatened or what appears to be a topic of interest in their neighborhoods. The chief, his staff, and the police officers carry the community message within themselves, their personal demeanor and how they conduct themselves in public view. Are we inculcating that service message continually to the department as to their individual importance in creating a safer environment in the community for both the resident and the officers who protect them? Messages need to be constantly promoted.

But I also recognize that given the legacy of the past, white parents are probably more likely to instruct their children to be respectful to the police while black parents might warn their children to avoid or minimally be cautious around their protectors. Given the circumstances, they probably were both right. How many emails and articles do we share on the internet extolling the wonders about the good old days when we could leave our doors open and the kids could play in the streets? I could identify with much of what is being said even though I was raised in an immigrant community in the South Bronx in the 1950's. I am not so sure that applies to a specific group of citizens who couldn't sit at a lunch counter, use a water fountain, and go to any bathroom or whose children couldn't attend a desegregated school. More could be said but I think you get the point. We can't change the past but we can improve our future. But we can't be blaming people today for circumstances in the past for which they had no responsibility. I suspect that if we refuse to acknowledge the transformation of civil rights, employment opportunities that are on display in affirmative action programs, minority broadcasting ownership, in the corporate world, television, movies, sporting events, entertainment and the number of elected and appointed black officials located in large and small cities, including the Presidency, the U.S. Attorney General, Director of Homeland Security, we will surely decline as a nation.. It seems to me that most aspects of federal, state and local government are committed to upholding the rights of minority communities. Undoubtedly, folks can disagree with me. That's a right we both should cherish.

One issue I feel certain is that regardless of one's belief that our basic civil rights are not distributed fairly and are in need of change, America's policing system is not the cause of the problem. True every police action does not turn out as it should. Being that we are probably the most scrutinized institution in our democracy, we are continually given the opportunity to be a work in progress. As such, unlike other governmental institutions who may be hiding in plain view, we make the needed corrections and improve our accountability to the public.

Still, the need to appreciate police effectiveness can be jeopardized by the array of police criticism that appears to be factually misdirected. By that I mean, let's take a look at the nation's police record for dealing with blacks. Emotionally and as part of their legacy, for some it is more difficult to embrace statistical data that contradicts what they have been continually told or at times observed.

What are the facts relating to police "killings?" There are two studies that this newsletter has published in the past. It's time to rehash them. The first study was based on FBI statistics, U.S. Center for Disease and Control and believe it or not, a U.S. Mortuary report which records all reported deaths. That was a nine year study which showed annual police shooting resulted in deaths averaging a total of 520 of which 125 related to black males. Those 1 out of 4 stats were compiled indicating legal police intervention responses involving armed robbery, burglaries, serious assaults, dangerous weapons and responding to crimes in progress. The percentage rate of homicides of cops by blacks was 44%

The second study was done by the Washington Post involving a similar study but for one year only. Their statistical metric was twice as high but the statistical percentage by race was the same as the other study. In other words, 3 out of every four killed by police were non black. Possibly a more telling example of failure to observe and make a distinction is the 2014 police report by the NYPD. In a city of 8.4 million people, a 35,000 police department (50% of which is Black and Latino – City population is the same) handle some 9,000 daily 911 calls, arrested over 430,000 individuals, discharged a weapon 79 times that year and killed 8 individuals of which 4 were black. All of this occurred in a city of 8.4 million that doesn't include possibly a million plus daily nonresident employees, tourists etc. In 2014 the city's black male population accounted for 1.1 million.

In the last month or two, on the subject of male black deaths by police, a Harvard professor did a study of a number of major cities. I believe it was six or seven cities. It was not extensive as the two previously cited studies. In any event, he even indicated that he was surprised at the result. His study revealed that there were no findings that would indicate that police killed black males any way supportive of the claims made by the media or the usual anti police critics. What he did find was that the police were more inclined to be physically rougher on black males and more often used handcuffs..

No study ever reflects any challenge to the numbers so often made during media interviews or repeated by commentators or the written article – “Police kill twenty times as many blacks as whites.” Latest figure that is now being heard is Blacks are 2 ½ times more likely to be killed by cops than whites. Despite the numerical reduction, the figures are way off.

If we are to refute and pushback on this issue our narrative has to include the best available metrics and then some if we are to reverse an anti police trend that can handicap our ability to appropriately serve the community. It is not brain surgery to observe that proactive policing behavior increases one’s risk of negative personal notice with a minimal positive outcome for the effort. If an officer perceives a lack of public support, why risk increased danger, loss of public reputation, chaos to one’s family, possible loss of livelihood or source of income. It is not unreasonable for a police officer working the street to assume that proactive police behavior is an invitation to the media and street thugs and some community activists to become their punching bag. Political discourse doesn’t always speak the truth as much as it reveals it. Former Chief Justice Earl Warren, I believe, reminded us that the police officer on the street has the greatest amount of police discretion in the criminal justice system. If he or she chose not to act, there is no further action to be taken. Therefore, a risk adverse policing system may enhance its reputational capital for the short term – No hits, no errors, no misses, and no fouls. Some feel we are already off course, but if we are, remember it takes a very long time to adjust to the correct course. Societal trends, cultural progress or regression, major judicial and policy decisions are not easily undone. That includes police legislation, policies and practices.

The editor is known for having few unspoken thoughts, this is only my opinion. As a non active chief, it is not my intention to dictate policy to any sitting chief/sheriff. For many years, I have been honored to work among some of the smartest and finest human beings I know. I am not telling any active Chief or Sheriff what they should be doing. I am just saying that I care!

Respectfully. Charlie Connolly

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### **FBI QUANTICO VA. & WASHINGTON DC**

FBI Director James B. Comey has announced the following leadership appointments:

#### **\*David Resch Named Assistant Director Training Division\***

Mr. Resch most recently served as the deputy assistant director for the Training Division. Mr. Resch entered on duty with the FBI in 1996 and was first assigned to the Houston Division, where he primarily worked criminal matters and served as the crimes against children coordinator and kidnapping coordinator.

Throughout his career, Mr. Resch has held leadership positions in the Critical Incident Response Group, the Richmond Division, the Operational Technology Division, and as special agent in charge of the Little Rock Division.

Mr. Resch will assume this new role effective immediately.

## Current Members attending the National Executive Institute - Welcome

### National Executive Institute, Session 39

Ricky G. Adams	Chief/Oklahoma Highway Patrol/OK
Timothy Altomare	Chief of Police/Anne Arundel County Police/MD
Donald Alway	SAC/FBI Jackson Division/MS
Russell Andrews IV	Deputy Director for Investigations/Georgia Bureau of Investigation/GA
Randall Aragon	Chief of Police/Fairbanks Police Department/Alaska
A. A. "Butch" Ayers	Chief of Police/Gwinnett County PD/GA
Donald Barnes	Undersheriff/Orange County Sherriff's Department/CA
William Bones	Chief of Police/Boise PD/ID
Mike Brown	Interim Police Chief/Salt Lake City PD/UT
George T. Buenik	Executive Assistant Chief/Houston PD/TX
Christopher Combs	SAC/FBI San Antonio/TX
Christine Coulter	Deputy Police Commissioner/Philadelphia PD/PA
Sean Duggan	Chief of Police/Chandler PD/AZ
John E. Dupuy	Assistant Inspector General for Investigations/Office of Inspector/General Department of Energy/Washington DC
Alfred Durham	Chief of Police/Richmond PD/VA
Mark Patrick Elvin	Undersheriff/San Diego Sheriff's Department/CA
Joel F. Fitzgerald	Chief of Police/Fort Worth PD/TX
William Grey	Colonel/NC Highway Patrol/NC
Patricia Groeber	First Deputy Superintendent/NY State Police/NY
Polly Hanson	Chief of Polcie/Amtrak Police Department/Washington DC
Michael Harpster	SAC/FBI NY Criminal Division/NY
William Holbrook, Jr.	Chief of Police/Columbia PD/SC
Anthony NMI Holloway	Chief of Police/St. Petersburg PD/FL
George Robert Kral	Chief of Police/Toledo PD/OH
Woodrow Kusse	Assistant Chief/Pentagon Police Directorate/Pentagon Force Protection Agency /Washington DC
Franz Lang	General Director for Public Security/Federal Ministry of the Interior/ Vienna, Austria
Rodolfo Llanes	Chief of Police/Miami PD/FL
Brian Louie	Deputy Chief/Sacramento PD/CA
Kevin McMahill	Undersheriff/Las Vegas Metropolitan PD/NV
Gilles Michaud	Assistant Commissioner/RCMP's National Division/Ontario, Canada
Lawrence O'Toole	Lt. Colonel/Assistant Chief of Police/St. Louis PD/MO
Scott Peters	Deputy Chief/Operations Bureau/Rochester PD/NY
Daniel Pfannes	Undersheriff/Wayne County Sheriff's Office/Detroit, MI
Phil Plummer	Sheriff/Montgomery County/Dayton, OH
Ferdinal "Fred" Rogers	Deputy Chief of Police/US Capitol Police/Washington DC
Geoffrey Shank	Director/US National Central Bureau/US DOJ/Washington DC
James Shea	Director of Public Safety/Jersey City/NJ
James Shroba	SAC/DEA St. Louis Division/MO
Steven Skrynecki	Chief of Department/Nassau County PD Headquarters/Mineola, NY
Lashinda T. Stair	1ST Assistant Chief/Detroit PD/MI
Dereck Stewart	Lieutenant Colonel/Tennessee Highway Patrol/TN
Anthony Terviño	Chief of Staff/San Antonio PD/TX
Michael Williams	Sheriff of Duval County/Jacksonville Sheriff's Office/FL

## NYC CONFERENCE – MAY 25 – 27 – 2016 (MCCA/FBI NEIA/PERF)

### Preparing for THE UNTHINKABLE

This year's conference in NYC was a great success for all three organizations who participated. Our presentations focused on some 17 major cities chiefs and sheriffs joining in a unique opportunity to participate in a timely informative presentation on Preparing for an Unthinkable Crisis. We owe a debt of gratitude to the seventeen participants:



Chief Jim Cervera –Virginia Beach PD, Chief Ed Flynn –Milwaukee PD, Chief Lois Kealoha –Honolulu PD, Chief Tom Manger – Montgomery MD PD, Sheriff Jim McDonnell – Los Angeles Chief Kathleen O’Toole – Seattle PD, Sheriff Paul Pastor –Pierce Co. WA, Chief Chuck Ramsey (Ret.) Philadelphia PD, Chief Constable Mark Saunders –Toronto PD, Chief Same Dotson –St. Louis Metro PD, Supt. Michael Harrison –New Orleans, Dep. Com. John Miller –New York, Chief Chuck Jordon – Tulsa PD, Dir. Frank Milstead –Arizona. Dept. Public Safety, Com. Richard Ross –Philadelphia PD, George Turner – Atlanta PD, Chief Dan Oates – Miami Beach PD.

Unfortunately, we only had two hours to examine what we felt needed to be reviewed. Still they raised a number of ideas, recommendation, and a direction going forward. Their insights will be the subject of our next newsletter and a published report sponsored by Motorola Solutions. The scenario chosen was a pandemic virus that over time could involve large regions and vast populations requiring the cooperation and collaboration of hundreds of independent local police agencies who somehow must function in some form of unison. This is just a first step that requires a series of police sessions regionally and subsequent similar examinational meetings involving federal/state and private sector preparedness planners. Further, law enforcement has the unique and specific public safety responsibility, absent the military in designated instances, for maintaining law and order. Essentially it is the linchpin to the collaborative efforts of probably all emergency responders and private sector contingency/continuity planning. Should law enforcement be unable to carry out its function, it should be obvious that all other emergency response requirements would be unable to.

Friday, another presentation was given by TED KOPPEL, a 42-year veteran of ABC News as well as anchor and managing editor of Nightline from 1980 to 2005. In 2012, New York University named Koppel one of the top 100 American journalists of the past century. His extraordinary list of accolades includes 8 George Foster Peabody awards, 11 Overseas Press Club awards, 12 DuPont-Columbia awards, and 42 Emmys.

Ted Koppel shared his insights from his bestselling book, Lights Out, in which he predicts that a major, devastating, cyberattack on America's power grid is not only possible but likely. Koppel makes clear that the Federal government, reasonably prepared for natural disasters, has little or no realistic plan for the aftermath of an attack on the power grid. We strongly encourage our readers to obtain his book if you want to know something about a threat unique to our time, as well as his evaluation of potential ways to prepare for such a catastrophe that is all but inevitable. Prior to Koppel's session, FBI Executive Assistant Dir. Michael Steinbach spoke on Pandemic Issues Surrounding International Terrorism. His presentation focused on the factual and investigatory nature of dealing with pandemic threats dovetailed with the other presentations questioning our capacity to prepare for the aftermath of such a massive attack.

While Koppel shared his concerns with what can only be described as an unthinkable catastrophic event that would rock this nation to its foundation, the day before a number of the nation's Chief's and Sheriff's participate in a two-hour table top exercise on a similar potentially alarming topic. The exercise was led by Randall Larson, a moderator who is not only well versed in weapons of mass destruction and bio chemical defense, but is also a frequent speaker before Congress, the Defense Department and the Joint Chiefs of Staff. He and Dr. David McIntyre lead the group in creative, critical thinking on how to prepare for the possibility of a pandemic in America. It was an excellent informative presentation on the possibility of confronting a deadly virus rampant in our country. Dealing with the possibility of an unthinkable event may disturb us, but the case was made that failure to assess our preparedness can prove to be even more disturbing. With 523 in attendance, it is fair to note there was general agreement that this concern is a real and worthwhile exercise for all members of the police community. The moderators were as professional as one could expect in this exercise. More unusual they didn't approach the exercise as a training project where their mission was to teach Law enforcement executives something that they weren't doing and should. Rather they viewed the participating chiefs/sheriffs as subject matter experts in which they collectively can contribute their focus on a scenario unlike anything they have encountered. Unlike most other federal and private sectors, who ignored or neglected to utilize local law enforcement in their preparedness planning, our moderators saw the wisdom of asking law enforcement experts about their experience in the management of disasters. While a successful solution was never an anticipated outcome, it became apparent that despite this limited sized presentation it was obvious that any success going forward require a series of future law enforcement sessions in various regions of the country. The reason for an initial police examination focusing on their ability to function in an unthinkable event is to assist non law enforcement folks currently involved in preparedness planning. Unquestionably, private sector planning and to some extent federal, and state government are working on and preparing continuity/contingency plans focusing on traditional disasters that they have experienced in the past and may anticipate in the future. Their plans focus on specific services relevant to business and recovery. Others on delivering a specific service e.g. counter medications and other drugs, food, water, housing. Still it is not unreasonable to state that law enforcement, government and the private sector have yet to be tested under the subscribed circumstances. Therefore, law enforcement given its very specific and unique public safety responsibility is the linchpin to the collaborative efforts of all the emergency responders and private sector preparedness planners. It is reasonable to state there is an absent of any realistic long term planning and collaboration with local law enforcement and by default law and order. Finally, the only conclusion left is that should the police fail in its law and order role, most if not all other preparedness planning will fail.

The FBI NEIA will be pursuing the idea of promoting regional meetings or conferences around the country possibly late this year or in 2017. We had brief conversations with several chiefs and sheriffs about the possibility of hosting a one or two day sessions on Preparing for the Unthinkable Crisis. If it proves workable, nearby departments could participate. We wouldn't be asking them to fund the process, only the facility as it would be a shared expenditure of those agencies attending. This could promote a better working relationship among major city chiefs/sheriffs and enhance future collaborative efforts. While everything is tentative we will be applying for another grant from Motorola Solutions. That organization has been extreme supportive in our previous efforts.

We would be remiss in our reporting obligation were we not to acknowledge the conference schedule also included the Major Cities Chiefs day-long meeting and PERF's Town Hall meeting. These well attended sessions included topics on Minneapolis Demonstrations by Chief Harteau, NYPD Technology Innovations by Commissioner Bratton and Dep Com. Jessica Tisch, update on MCCA Officer Involved shootings, early Intervention Systems, Vancouver Mental Health Initiatives by Chief Constable Adam Palmer, Homeland security report by Chief Art Acevedo, Office of Emergency Communications Report, Roundtable Discussion by Chief Tom Manger on Civilian Oversight.

PERF Town Hall Meeting offering members to discuss critical issues effecting their agencies included: The Heroin Epidemic, Electronic Control Weapons, Officer Stress, Body-Worn Issues, Violent Crime, Consent degrees and other opportunities for members to state their views, share and exchange information and gauge the thinking of their colleagues. Probably the timeliest session was PERF's follow-up on its recent 30 Guiding Principles on Use of Force released this past April. Some of the recommendations generated considerable discussion and debate. In collaboration with the NYPD, that department presented a live training scenario depicting the techniques employed in dealing with emotionally distressed persons. While de-escalation strategies will continue I suspect the debate will also continue.

## **NEIA CONFERENCE AWARDS**

### **Darrel W. Stephens Recipient of the 2016 Penrith Award**

FBI NEIA President Charles Connolly at the National Executive Institute Associates, Major Cities Chiefs and Police Executive Research Forum Joint Conference in New York City on May 25th awarded Darrel Stephens, Executive Director of Major Cities Chiefs Association the 2016 Penrith Award. Stephens was recognized for his integrity, national leadership and advancing innovative approaches to policing.

Darrel Stephens is an accomplished police executive with over 45 years of experience. His career began as a police officer in Kansas City, Missouri in 1968. In addition to his police experience he served for 2 years as the City Administrator in St. Petersburg, Florida -- a community of 250,000 people -- where he was responsible for a work force of approximately 3000 employees and a budget of \$380 million. He has 22 years of experience in a police executive capacity including almost nine years from September, 1999 to June, 2008 as the Chief of Police of the Charlotte-Mecklenburg Police Department (CMPD). In addition, he served as the Executive Director of the Police Executive Research Forum from 1986 until 1992.

Perhaps best known for advancing innovative approaches to policing, Stephens has earned a national reputation as a leader in policing. He served as the President, Vice President and Legislative Committee Chair of the Major Cities Police Chiefs Association while Chief in Charlotte. Throughout his career, he has taken on difficult and challenging opportunities, and championed strategic technology investments to enhance employee productivity.

He has written extensively about policing, consulted extensively and a frequent speaker advocating progressive policing approaches. He received the prestigious Police Executive Research Forum's Leadership Award and the Academy of Criminal Justice Sciences O.W. Wilson Award. He was elected a Fellow of the National Academy of Public Administration in 2005 and frequently is called on to participate in study panels. In 2006 he was awarded an Honorary Doctorate of Laws Degree from Central Missouri State University. He inducted into the Evidence Based Policing Hall of Fame in 2010 and also received the Distinguished Achievement Award Evidence Based Crime Policy. In 2013, Darrel was recognized by the Innocence Network for his efforts to reform the criminal justice system to prevent wrongful convictions.

Receiving the prestigious Penrith Award is a unique honor given that the nominees are voted on by their peers, previous recipients of this coveted award. Connolly in presenting the award said: "Darrel is an executive with many skills, a continual contributor to the law enforcement profession whether he was on street patrol or commanding a unit, as well as a respected administrator and police executive."

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### **Monroe Scholarship**

ALEXA WEIGHT recipient of the 2016 FBI NEIA Larry Monroe Scholarship

Congratulations to Alexa Weight, daughter of Chris Burbank, for her selection as the 2016 recipient of the FBI National Executive Institute Associates' annual Larry Monroe Scholarship. Chris Burbank, a graduate of the 30th NEI session, is retired Chief Salt Lake City Police Department and Director Law Enforcement Engagement Center for Policing Equity, Salt Lake City, Utah.

The Scholarship Committee unanimously selected Alexa as this year's recipient for the scholarship in the amount of \$5000 for her academic achievements and her service to the community. Alexa will be attending the University of Utah, school of Medicine.

## Letter from a Past NEI Scholarship Recipient

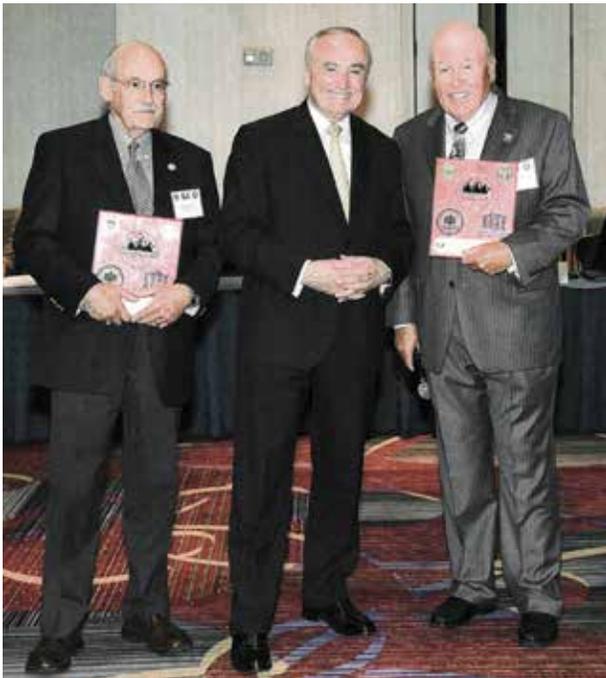
*It's nice when we can offer a deserving student a financial leg up on their tuition. It's even nicer when we hear what they have accomplished. Executive Director Dick Ayres received this nice note from our 2012 recipient Jackson Fuhrman, the son of Tim Fuhrman, a retired FBI SAC.*

Dear Mr. Ayres,

*As you may recall, I was fortunate to have been selected as a recipient in 2012 of the NEI scholarship which I gratefully utilized in pursuing my Master's Degree in International Politics from American University. I just wanted to give you an update on my current employment and again express my appreciation to the NEI for its recognition. After graduating from American U. in May, 2014, I eventually found employment as an analyst in the Department of Homeland Security's Law Enforcement Policy Coordination branch. After working in that position for a period of time, in June, 2015, I began training to become a Secret Service Agent, graduating on February 11, 2016. I am currently assigned to the Washington Field Office and thoroughly enjoying my assignment. As you may recall, my Dad, Tim Fuhrman, served as FBI SAC in Salt Lake City and Mobile, eventually retiring in January, 2011. He was a member of NEI Session 30. Again, I thank you and all of the NEI Associates for your generous support in helping me along the path to what I hope will be a long career in Federal law enforcement.*

Sincerely, Jackson Fuhrman

## NEIA HIGHLIGHTS



## WHAT ARE OUR MEMBERS DOING AND SAYING

Annually, we have to poll previous Penrith Award winners for their selection of the current year winner. I enjoy it as it provides me with an opportunity to converse with a number of our retired “Hall of Fame” winners. Sam Gonzales, you may recall, handled the Oklahoma Bombing, which up to 911 was the nation’s most horrific terror event. Despite a recent bout involving a kidney malfunction which cost him 17 days in the hospital, he is up and about enjoying his retirement. Recently Sam took the family on a vacation and upon his return again engaged in his favorite sport, golfing with his grandchildren.

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Julian Fantino may be the highest profiled police officer in Canada with a 40 plus year career spanning four police departments including its largest, Toronto, and a number of years serving in the Canadian Parliament. He found time in 2007 to publish his book “Duty,” which was not only passionate in his love of the law enforcement profession but hard hitting in identifying not only its problems, but naming those who bore some of the blame. Unfortunately, due to his ability to speak his mind, the former Chief was caught in a national wave of election change. Julian now has his own consulting group and can be reached at 1 -647 588 9576 or JFANTINO@BELL.NET.

Fantino’s successor in the Toronto Police department, Bill Blair retired last year and successfully ran for a seat in Canada’s Parliament and won. Bill was apparently one who was on the right side of the political wave. There has been a number of Canada’s Finest Chiefs elected to office, which says a lot about the quality of its executive leadership. Given his experience and integrity, Bill Blair will be successful in his latest form of public service.

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We are glad to see Garry McCarthy bouncing back from his Chicago experience. Garry was up and around at the Major Cities Chiefs conference and meetings once again indicating that you can interrupt one’s successful journey but you can’t keep a good person down. Garry is president of Gem Strategies based in Chicago and can be reached on gmccarthy@gfm-strategies.com (312 986 9330). Whichever road Garry takes the ultimate destination will be a rewarding one. Several newspapers wrote interesting stories about former Superintendent Garry McCarthy with regard to his recent discharge by the mayor. Apparently the papers sued for release of emails pertaining to Garry. Unless I missed something, the new articles were very favorable to the former superintendent. Some wrote that McCarthy had nothing to do with holding back the video that created his demise. The only email comment he made that might offend those who enjoy being offended, is when McCarthy received word of his firing by email from a mayoral aide and he then mailed his wife that the mayor didn’t have the balls to do it himself.

Another cited that McCarthy didn’t suppress the McDonald video until after the mayor’s election. And McCarthy didn’t cut a \$5 million deal with McDonald’s family to settle. But he was fired, and that notice wasn’t even signed by Rahm. So, what has happened since McCarthy’s firing by the mayor? Reportedly, many cops have stopped making arrests, shootings are up, homicides are up, and we’re awash in stories of heartbreak, violence, and neighborhoods under siege. After firing McCarthy, the mayor made a point of showing up at roll calls in tough police districts to tell officers that he had their backs. But Chicago’s cops knew that the mayor had fired the guy who had their backs. They know Rahm doesn’t have their backs. And, reportedly, now many cops keep their backs firmly fixed to the seats inside their squad cars as street gangs go wild.

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I was sorry to hear that San Francisco Chief Greg Suhr was recently made aware that you serve at the pleasure of the Mayor. While I would quarrel with the result, good chiefs are reminded of that fact. I don’t know how one can measure success when the parameters are somewhat fuzzy in terms of how we judge our police executives. I suspect it is the time frame and not the number of gross officer misconducts that create executive change. Despite the media and activist groups, policing in America has much to be proud of. Unfortunately, the working environment of police officers can provide some police misbehavior. It’s only my opinion, but regardless of the presence of the best leadership, good supervision and training, over time some officers will grossly misbehave. Should it occur within a compressed period of time, a good chief may meet a bad fate? Ironically, the mayor and others indicated profound admiration for Chris, hailing him as a true public servant. Apparently, not good enough to continue as a “true public servant.”

Recently, I had a good conversation with Ed Tully who, along with Dick Ayres, were at the inception of the National Executive Institute. When asked if he was still contrary, Ed answered in the affirmative, which implies his integrity is still intact. However, he did have some leg surgery and is feeling a little better.

I also enjoyed a lengthy conversation with Ruben Ortega, former chief of police of Phoenix and Salt Lake City. Like many retirees Ruben still expresses his feelings and support for those actively in charge of law enforcement agencies. remains a strong supporter of the FBI NEIA and appears to be enjoying good health and retirement.

Retired FBI Tom Baker's communications are appreciated as he keeps us aware of what's happening. For example, Tom sent this recently,

"Last week I attended the FBI's CJIS Division APB (Advisory Policy Board) meeting, which was in Norfolk. Numerous DOJ and FBI executives were there up to and including Amy Hess, the EAD over Science and Technology. She talked about the need for accurate data (re Police involved shootings) saying, like the Director did back in Chicago, "without accurate data, we are just left with ideological thunderbolts." Ed Roessler, Chief of Fairfax County, was there representing MCC on the Board. He mentioned that, with the MCS, the MCC had just done a 20-page paper on "going dark," which was another recurring theme of the meeting. Anthony Wickersham, Sheriff of Macomb County, Michigan, was there representing MCS on the Board. He said the MCS are greatly concerned with "Sentencing Reform" that has been pushed in various forms at both the federal and state levels. He noted the continuing high recidivist rate and predicts future crime increase because of the release of "non-violent" offenders and the closing of some prisons. Thought that you would be interested in what some segments of your membership are thinking about." Thanks Tom.

A couple of New York's Finest, two former first deputy Police commissioners are undergoing some health difficulties. Pat Kelleher, found himself hospitalized for close to three months with a series of health complicated issues. Those who know Pat and his work habits that Pat is a fighter and he appears at this time to be winning the fight. Still, he has quite a road to go but he is now at home and undergoing rehabilitation. Still Pat's not ready for Prime Time activity though improving is still not ready for large amounts of visitors. Prayers are always welcome.

Unfortunately, I don't have such optimistic news about another guy who could handle himself in any engagement physically or intellectually. John Timoney is now in the hospital with a serious case of lung cancer. I have known about John's problem for some time but we respected his privacy. For now I would ask you to keep him in your prayers.

## **Warriors & Guardians**

by Sheriff Paul Pastor – Pierce County, WA. – April 28, 2016

There has been a great deal of discussion in police circles lately about how we should define our role. In the President's Task Force Report on 21st Century Policing, it was noted that law enforcement officers should regard themselves more as "guardians" than as "warriors."

Apparently there is a concern lest the "warrior" metaphors taints the profession and encourage its members to view themselves as little more than appliers of physical force in encounters with citizens. I think this concern is overblown. It is more focused on a label than on who we are and why we do what we do.

The Basic Law Enforcement Academy in Washington State emphasizes this distinction and encourages recruits to adopt a "guardian mentality" and to enter "warrior mode" only when absolutely necessary.

I like what Aurora, Illinois Police Chief Kristen Zilman has to say on this: "...you are guardians. However, there

will be moments where you will have no choice but to transform into a warrior. You are the first line of defense in our city... when someone threatens the peace and safety of our citizens. I refuse to pander to the negative perception of warriorship and deny that side of us because there have to be people willing to go where others will not.”

We very rarely have need to apply physical force in self-defense or to deal with an otherwise dangerous situation. But when that need exists, it is crucial that we are ready and able to do so.

Above all, police work involves making difficult moral decisions in crisis situations. Our decisions impact people’s lives and their legal status in significant ways. This applies in the rare circumstances where force is used and in the frequent circumstances where it is not. There is no simplistic, one-word description for this. Ultimately, ethics figure into both instances. Our goal should be to behave in a fair and just manner and to act to undo injustice to the best of our ability.

That is why we exist. No one else serves this role in American communities. It is difficult and complex. It can be heartbreaking and, far too often these days, it places us in physical danger.

Has there sometimes been macho posturing in law enforcement? Yes. Is that the greater part of who we are and how we behave? No, it is not. Overly aggressive macho posturing has become a comic police stereotype in movies and on television. Law enforcement officers overwhelmingly get this and take a “don’t be that guy” attitude toward posturing.

So are we “guardians” or “warriors”? We are both but we are much more as well. We are the strangers you call when you can’t control a situation; the people you turn to when you or your family needs help. We are the crisis responders of last resort who need to make crucial decisions quickly and in an ethical manner.

Pandering to thoughtless “warrior” stereotypes is demeaning. It is demeaning to military veterans who have accepted the burdens of being a warrior in defense of the country. And it is demeaning to officers who have done so in defense of our local communities. We are warriors and guardians but also much more.

I believe that we need to constantly examine and refine our behavior in either role. We need to do the right thing by citizens even when we are placed at risk of injury or death. We owe that to the community. And we owe the community much more.

But we also need citizens, and even sometimes those in our own ranks, to stop accepting limited, over-simplified and politically-driven stereotypes of which we are, what we do and why we do it. That much, we are owed.

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## **IN DEFENSE OF LAW ENFORCEMENT**

### **Officer Drives by House and Sees the Way Kids Are On Their Knees. That’s When He Pulls Over...**

By Sara Vallone

As Officer Rico Donald and his partner drove down the street Thursday afternoon, they came across three children playing in front of a Memphis, Tennessee home. The shocking part, however, is what the kids did when they noticed the police cruiser coming down the street.

They got on their knees and put their hands up. It was their way of saying, “Hands up, Don’t shoot.” That’s when Officer Donald decided to pull over and asked the kids to “come here.” He tells Local Memphis the kids were so nervous; they almost ran back into the house. “I was just trying to reassure them that you don’t have to be scared of us, we’re your friends,” he says. “No matter what you might see, you can depend on us.” Unfortunately, Officer Donald tells Independent Journal Review that it isn’t uncommon to see kids acting this way and that this isn’t the first time he’s gotten out of his car to show kids that police officers are their friends, not their enemies.

He explains: "It's a learned behavior. I'm not going to say it's necessarily what they see in the community, but more so what's being publicized on TV. It's common practice that we'll be on the scene or a drive by you usually see the "Hands up, Don't shoot" with police interaction, not necessarily in a serious way but by — I guess — entertainment." Officer Donald says it's his goal to be a positive influence in as many lives as he can. He explains to Independent Journal Review: It's just a message. We preach the word "transparency," and I think there's a need to fight back against the negative publicity officers get. It's just my way of letting kids know that "Hey. We are out here for you, no matter how we are painted in the media or whatever."

Officer Donald says that he stops by to see this particular group of kids, and others, as often as he can. He hopes to one day get "Big Brother" the battery operated car he's always wanted, "Chocolate drop" the kitchen set she's always wanted, and wants to keep coming around to hang with "Bubba," because all he wants is to simply "play with the police." The mother of the children, Jamie Wilson, was glad Officer Donald stopped and noted the huge impact it had on her children. It made them feel great that he stopped and talked to them."

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Dear PERF member:

*I am pleased to send you the latest report in PERF's Critical Issues in Policing Series, Advice from Police Chiefs and Community Leaders on Building Trust: "Ask for Help, Work Together, and Show Respect."*

*This new report is available online here: <http://www.policeforum.org/assets/policecommunitytrust.pdf>. We will also be sending you a hard copy in the mail as soon as it is printed.*

*This report provides guidance from 75 police chiefs and 75 community leaders about how they build trust with each other. We asked PERF police chiefs to come to Washington for a national discussion, and we asked each chief to invite one community representative from his or her city.*

*The community leaders and police chiefs were candid and provided constructive ideas about improving police-community relationships. Community leaders said, "Never discount what we tell you about our experiences with the police." Police chiefs said, "Let's work together to get rid of laws that limit a chief's authority to hold officers accountable." And everyone said that even if you don't become best friends, police chiefs and community leaders can develop mutual respect by being honest and doing what you say you're going to do.*

*I'm grateful to everyone who participated in this important conference. I think you will find many of the quotes in this report very interesting and helpful. Chuck Wexler*

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*Note: PERF in its series of recommendations has taken some heat for a few of its recommendations in its most recent "Thirty Guiding Principals." If PERF's role is to provide research and at times controversy, it keeps its promise. First, as a life time member of that organization, it provides an important service to the law enforcement. Still I can disagree from time to time. First let me state what Dr. Stephen Covey wrote in the forward book "The Nobility of policing"... it has always been my firm belief that policing is one of America's most noble professions. The actions of any police officer in an instance can impact an individual for life and a community for generations. For that reason every officer must be centered on what is important. That is justice to all involved and for the want of a better definition, a sense of fundamental fairness to all regardless of race, color, creed or ones economic position. In that regard I applaud the efforts that are in play today to improve policing. Much has been done and more needs to be said. But more needs to be said on behalf of America's policing."*

*Dr. Covey is right on. But that doesn't mean we cannot challenge the good intention of PERF in their pursuit of excellence in policing. Therefore, those few recommendations for increased accountability in the use of deadly force can be questioned without attacking the authors? Let me ask some questions that others have explicitly raised. Are we moving farther and faster than that is necessary or appropriate in dealing with a citizenry that appreciates law enforcement but doesn't understand how it functions? Are certain elements of society promoting issues for which there is no statistical or fact pattern problem?*

*Agreed, it is necessary to promote accountability, transparency and maintain public trust. But too often we seem to be captive of only one dimension of the trust policy. Building trust is not a one dimensional process focusing on our efforts to serve a community. If it is, I believe we are doing a good job. But it requires more than just our efforts. It requires an educational component in which the public must participate honestly and fairly if we are to close the trust circle. How often are we faced with confronting an emotional argument that is factually starved of the facts? We must be careful that we are not simply feeding a grievance mechanism whose appetite is insatiable.*

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**Letter to the Editor by LAPD Director of Constitutional Policing and Policy Arif Alikhan:**

‘Reasonable’ use of force by police changes with time and technology “...Graham vs. Connor is often misunderstood. What is considered a ‘reasonable’ use of force by police is not static. For example, Tasers were not widely available when the court issued its opinion; they are now commonly used as a less-lethal option.... Whether an officer’s use of force was objectively reasonable includes examining what resources, such as a Taser, were in use, even if the technology or tactic did not exist at the time of the Supreme Court’s decision.... Moreover, many police agencies, including the LAPD, go beyond what is required under Graham by looking at the tactics used before, during and after the incident to ensure that strict department policies and procedures were followed.”

<http://www.latimes.com/opinion/readersreact/la-le-0219-friday-police-tactics-20160219-story.html>

*Note: My only comment is that if “reasonable use of force by police changes with time and technology,” why not wait until the peoples’ legislature recognizes such, and changes what is reasonable use of force by police. If necessary, let the judiciary have their say. Given the variety of changes imposed by various police agencies, wouldn’t it be advisable to let the legislature impose it?*

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**Broken windows’ policing doesn’t target minorities, it saves them**

By Heather Mac Donald — Monday, June 20th, 2016 ‘The New York Post’

Proactive policing — also called “broken windows” policing — is under attack.

One of the most effective remedies against urban anarchy over the past two decades, broken windows quells public fear of crime and restores order to fraying communities. William Bratton embraced it during his first tour as NYPD commissioner in the 1990s.

Subsequently, police commanders across the country also adopted it. But in 2014, longtime critics of the NYPD seized on the death of Eric Garner to call for an end to proactive policing.

Anger over Garner’s death was understandable. No one should die for selling untaxed cigarettes — or even for resisting arrest. But there was no connection between broken-windows policing and Garner’s death. It was Garner’s resistance to arrest that triggered the events leading to his death, however disproportionate that outcome, not the policing of illegal cigarette sales. Suspects resist arrest for all sorts of crimes. The only way to prevent the remote possibility of death following an attempted arrest is to make no arrests at all, even for felonies.

Leading the charge against broken-windows policing is Alex Vitale, a Brooklyn College sociologist. Naturally, Vitale plays the race card, claiming that the NYPD disproportionately and unjustifiably targets minority neighborhoods for misdemeanor enforcement, resulting in the “overpolicing” of “communities of color.”

Vitale should spend more time in poor neighborhoods. No stronger proponents of public-order policing exist than law-abiding residents of high-crime areas. Go to any police-and-community meeting in Brooklyn, The Bronx or Harlem, and you will hear pleas such as the following: Teens are congregating on my stoop; can you please arrest them? SUVs are driving down the street at night with their stereos blaring; can’t you do something?

Eric Garner’s death was a heartbreaking tragedy, but the unjustified backlash against misdemeanor enforcement is likely to result in more tragedy for New Yorkers.

The targets of these complaints may have been black and Hispanic, but the people making the complaints, themselves black and Hispanic, didn't care. They just want orderly streets.

In May 2014, a public meeting in East Harlem discussed at length how the police could break up an entrenched cluster of vagrants and shelter residents on Lexington Avenue and 125th Street; the unsightly gathering was a daily source of street fights and drug dealing. In another complaint that defies the critics of broken-windows policing, an emissary from Strive, a left-leaning job-placement program, asked the commander of the 25th Precinct to evict a female squatter who was selling drugs from her illegally occupied apartment. "Drugs are still the driving force of everything in our community," he said.

All such complaints embody a truth ignored by criminologists and street-level agitators: the fierce yearning of the law-abiding poor to enjoy the same civility and order in their neighborhoods that the residents of Park Avenue take for granted in their own.

Vitale charges that the crime of selling untaxed cigarettes is enforced almost exclusively in communities of color. No surprise: That's where the trade overwhelmingly occurs. Vitale claims that "in many courts around the boroughs," 100 percent of those appearing for minor violations are people of color. Such a statistic only shows that the police are going where the crime and disorder are. All crime commission, whether felony or misdemeanor, is racially disproportionate.

The cop-critics also dispute the efficacy of quality-of-life policing. "There just isn't any evidence that arresting squeegee men and aggressive panhandlers in Midtown Manhattan helps reduce robberies and shootings in the outer boroughs," Vitale says. That argument is a straw man: No proponent of misdemeanor enforcement has ever attempted to prove such a geographically attenuated causal link. But Michael Jacobson of the City University of New York and James Austin of the JFA Institute, both liberal organizations, have shown that New York City's misdemeanor enforcement led to a drop in felony arrests and felony incarcerations by getting potential felony offenders off the streets for low-level violations.

The core concept of broken-windows policing — that low-level disorder breeds more crime by sending the message that public norms and law enforcement have broken down — has been confirmed. Moreover, ending Midtown's low-level lawlessness in the 1990s sparked the urban renaissance there, reviving the tourist and hospitality industries and producing thousands of jobs for outer-borough New Yorkers. To the extent that one believes that criminality is an economic problem, not a cultural one, New York's public-safety-induced economic revival was the best anti-poverty and anti-crime program that the city has ever offered.

Vitale also argues that New York's crime drop is no different from elsewhere: "The crime drop is a national and international phenomenon, and it's been happening in cities that never had broken-windows policing," he says.

More straw men. No one has ever claimed that broken-windows alone was responsible for the crime drop. But it was part of a related set of strategies that catapulted New York far ahead of the competition. New York's crime drops far exceeded the national norm in degree and duration. It's hard to find a police chief anywhere in the country who doesn't advocate broken-windows policing, because commanders see with their own eyes its value in lowering crime and disorder.

The biggest threat facing minority New Yorkers now is not "over policing," and certainly not brutal policing.

The NYPD has one of the lowest rates of officer shootings and killings in the country; it is recognized internationally for its professionalism and training standards. Deaths such as Eric Garner's are an aberration, which the department does everything it can to avoid.

The NYPD fatally shot eight people in 2013, six of them black, all posing a risk to the police, compared with scores of blacks killed by black civilians. But facts do not matter when one is crusading to bring justice to a city beset by "centuries of racism."

The biggest threat facing minority New Yorkers today is de-policing. After years of ungrounded criticism from the press and activists, after highly publicized litigation and the passage of ill-considered laws — such as the one making officers financially liable for alleged "racial profiling" — NYPD officers have radically and understandably scaled back their discretionary activity (pedestrian stops have dropped 80 percent citywide and almost 100 percent in some areas).

But in so doing, they risk turning their backs on law-abiding residents of high-crime communities who most need their assistance in maintaining order.

There is no New York City institution more dedicated to the proposition that “black lives matter” than the New York Police Department; thousands of black men are alive today who would have been killed years ago had data-driven policing not brought down the homicide levels of the early 1990s. Garner’s death was a heartbreaking tragedy, but the unjustified backlash against misdemeanor enforcement is likely to result in more tragedy for New Yorkers.

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### **NYPD monitor files new reporting forms encouraging narratives**

By John Riley — Thursday, March 24th, 2016 ‘New York Newsday’ / Melville, L.I.

The court-appointed monitor of NYPD stop-and-frisk practices has filed a new reporting form that encourages officers to write a narrative of the reasons for a stop instead of relying on checkboxes with overused explanations like “furtive movement.” In a filing with Manhattan U.S. District Judge Analisa Torres, monitor Peter Zimroth said the NYPD plans to requisition and distribute 50,000 of the forms in the next four to six weeks. In addition to “furtive movements,” the form also eliminates boxes for other frequently cited rationales for a stop, such as “suspicious bulge” and “high crime area.” “Once the new form is in use, officers will be required to provide descriptions of the movements that contributed to the officer’s suspicions and not merely to check a box,” Zimroth told the judge. The new forms are one result of a federal lawsuit claiming the city conducted thousands of stops without legally required “reasonable suspicion,” and targeted minorities. Lawyers who brought the suit praised the change.

Having a new narrative section on the stop forms means officers actually have to explain why they stopped someone,” said Darius Charney, a lawyer with the Center for Constitutional Rights. Although changes are now being implemented as part of a settlement entered into by Mayor Bill de Blasio, reforms were initially ordered by Manhattan U.S. District Judge Shira Scheindlin, who was later removed from the case for alleged bias. Scheindlin announced in a letter to other judges on Wednesday that she was leaving the bench after 21 years, and planned to work as a mediator along with handling public interest and commercial matters.

And is this an example of cause and effect According to the PBA, officers also said the city is less safe than it was two years ago, and the job is only getting more difficult. A spokesman for the NYPD said the department has not seen the results of the survey. The overall survey results show, by overwhelming margins, that members feel working conditions for police officers have become more difficult and dangerous, that New York City is less safe, and conditions are deteriorating, the PBA said, adding that members also now feel the disconnect between the public and the police has grown significantly over the past few years. PBA president Patrick J. Lynch released a statement: “The results of this survey prove what we’ve been hearing time and time again from members over the past two years - the job is more difficult than ever, the dangers are greater, and morale is extremely low. The understaffing, inadequate training, low pay and lack of support has had a chilling effect on police officers across the city. Police officers are risking and sometimes sacrificing their lives to protect their communities from real crime and mayhem, and now they live in constant fear of lawsuits, public complaints and are not supported by either the elected officials or the public. It is clear from these results that our city’s current public safety policies are not working in support of the women and men who actually patrol the streets. We want our leaders to work with us to change this situation, not only for the good of police officers but for the good of each and every New Yorker we serve.”

*Note: Undoubtedly, those who enforce the rules in a very liberal changing government will feel adversely effected. They are being asked to write some form of explanatory narrative that will be routinely challenged by people in and out of local government who feel that the police need to be reined in and more accountable. I have a few thoughts on that. One, imagine the officer doing what he perceives to be his job and the danger that he has just put him or herself in conducting what might be called a soft investigation He or she could be alone, late at night before an agitated crowd and the officer has to prepare “a narrative” to give to the individual. Doctors during a surgical procedure record their “narrative”*

*or prepare it after the contact with the patient. Often short hand or generic expressions are used. Writing a narrative that IS TO BE GIVEN TO AN AGGRAVATED INDIVIDUAL AT THE SCENE OR WORSE AN INDIVIDUAL WHO POSES A DANGER TO THE OFFICER APPARENTLY WAS GIVEN LITTLE OR NO CONSIDERATION. The officer can be distracted if a crowd is present and neither hand is in a position to protect the officer's safety. For example, given the following police stats compiled in 2014: NYC a population of 8.4 million with a force averaging 35,000 responding to 9,000 911 calls a day, 365 days a year, effecting 430,000 plus arrests, reportedly killed 8 individuals, 6 of which were black and only discharged their firearms 79 times (in 2015 I have been told the number is even lower). I sense that the public generally appreciates the police but doesn't fully understand how their law enforcement protectors function. Given the facts, police officers and those who managed them deserved better.*

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### **NYPD \$\$ Lawyer Lotto \$\$ | Sgt. William Flores NYPD cop crossed line with fifth bullet shot at mentally deranged man: lawyer**

By Victoria Bekiempis — Tuesday, April 5th, 2016 'The New York Daily News'

COMMENT: If the violent assailant is already dead, why should the fifth shot even matter? After death, all bodily functions, including one's cognitive process and all senses have ceased. Biologically and medically the body is just a cadaver. So what is the issue, besides money and greed?

An NYPD sergeant crossed the line when he shot a mentally deranged man a fifth time, a lawyer for the slain man's family told a Manhattan Federal Court jury on Monday. Unlike other cases alleging excessive use of force, the jury will not weigh whether Mauricio Jaquez's death at the hands of police was justified. In fact, Manhattan Federal Court Judge Katherine Forrest decided last year the first four bullets of five that struck Jaquez, one of which killed him, were justified, given his threatening behavior. A jury will now decide whether the fifth bullet - fired by Sgt. William Flores after Jaquez had already suffered the fatal wound, and was possibly on the ground - was justified. Jaquez family lawyer Zachary Margulis-Ohnuma said the Bronx father-of-three was delusional but harmless during the April 12, 2009 confrontation in his Bronx apartment."He was seeing things," Margulis-Ohnuma said during his opening statement, explaining why Jaquez, 35, had a knife.

"He was fighting the demons off with it. He was not fighting or threatening his family in any way." "What he was doing was protecting them from his own delusions," he said. Jaquez's wife, Margulis-Ohnuma said, even begged cops not to hurt her husband, who had a history of mental illness, saying "Please don't hurt my husband. He needs a doctor - not a police officer." Flores' lawyer, Shira Siskind, countered during her opening statement that Jaquez's sweaty, crazed demeanor suggested he was drugged up - not emotionally disturbed. Despite being Tasered, hit with rubber bullets, and shot at, Jaquez kept charging at the cops with the blade - who truly felt their lives were in danger, she claimed. When Flores pulled the trigger and fired the fifth bullet, "he had no idea" whether Jaquez was shot, she said.

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### **GUNS R US**

*Given the Murderous attack in Orlando Fl.- the issue of gun control will have greater influence on both the political and community screens. Something may be needed in a society reportedly having 300 million firearms. I am, as many, influenced, by the gross brutality of these evil perpetrators. But I don't have a solution to this question. The following is a series of pro and con regarding protecting or limited gun rights Anyway, here are some contrasting opinion on firearms. The answer, I suspect, will be found at neither end of the conservative or progressive liberal ideology.*

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### **THIS MAY BE THE BEST WORDED PRO-GUN ARGUMENT.**

As the Supreme Court heard arguments for and against the Chicago, IL, Gun Ban, this man offered you another stellar example of a letter (written by a Marine), that places the proper perspective on what a gun means to a civilized society. Interesting take and one you don't hear much.

“Human beings only have two ways to deal with one another: reason and force. If you want me to do something for you, you have a choice of either convincing me via argument, or force me to do your bidding under threat of force. Every human interaction falls into one of those two categories, without exception. Reason or force, that’s it. In a truly moral and civilized society, people exclusively interact through persuasion. Force has no place as a valid method of social interaction and the only thing that removes force from the menu is the personal firearm, as paradoxical as it may sound to some.

When I carry a gun, you cannot deal with me by force. You have to use reason and try to persuade me, because I have a way to negate your threat or employment of force. The gun is the only personal weapon that puts a 100-pound woman on equal footing with a 220-pound mugger, a 75-year old retiree on equal footing with a 19-year old gang banger, and a single guy on equal footing with a carload of drunken guys with baseball bats. The gun removes the disparity in physical strength, size, or numbers between a potential attacker and a defender.

There are plenty of people who consider the gun as the source of bad force equations. These are the people who think that we’d be more civilized if all guns were removed from society, because a firearm makes it easier for a [armed] mugger to do his job. That, of course, is only true if the mugger’s potential victims are mostly disarmed either by choice or by legislative fiat -- it has no validity when most of a mugger’s potential marks are armed. People who argue for the banning of arms ask for automatic rule by the young, the strong, and the many, and that’s the exact opposite of a civilized society. A mugger, even an armed one, can only make a successful living in a society where the state has granted him a force monopoly.

Then there’s the argument that the gun makes confrontations lethal that otherwise would only result in injury. This argument is fallacious in several ways. Without guns involved, confrontations are won by the physically superior party inflicting overwhelming injury on the loser.

People, who think that fists, bats, sticks, or stones don’t constitute lethal force, watch too much TV, where people take beatings and come out of it with a bloody lip at worst. The fact that the gun makes lethal force easier works solely in favor of the weaker defender, not the stronger attacker. If both are armed, the field is level. The gun is the only weapon that’s as lethal in the hands of an octogenarian as it is in the hands of a weight lifter. It simply wouldn’t work as well as a force equalizer if it wasn’t both lethal and easily employable.

When I carry a gun, I don’t do so because I am looking for a fight, but because I’m looking to be left alone. The gun at my side means that I cannot be forced, only persuaded. I don’t carry it because I’m afraid, but because it enables me to be unafraid. It doesn’t limit the actions of those who would interact with me through reason, only the actions of those who would do so by force. It removes force from the equation... And that’s why carrying a gun is a civilized act.” By Maj. L. Caudill, USMC (Ret.)

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## **Shocking: The Lunacy of Connecticut’s Gun Confiscation Law**

By Michael Ware May 7, 2016

It is shocking how far things have gone in such a short matter of time. We are now seeing legislation defending the “rights” of cross-dressers to use whatever bathroom they chose while the same people want to take our God-given rights.

Case in point is the new gun legislation passed in Connecticut. It is concealed as having one aim, but upon closer inspection one can easily see the goal. That we would be left defenseless against a criminal government.

Accused domestic abusers would have to surrender firearms within 24 hours under legislation that won final approval in the Senate on Monday afternoon and now heads to the governor for his expected signature.

Now, let us set aside the veneer of this bill and look behind this legislation. The idea is that there are so many women murdered, with firearms, by their significant others after a restraining order is served that the state must act. But is this true?

The goal is to protect women from the increased lethality at a critical point in a relationship: when they are trying to

leave their abusers. About 14 domestic homicides occur annually in Connecticut, half of which are caused by guns.

According to the same article, there were 5000 temporary restraining orders issued in Connecticut every year, half of which become permanent. Now think about the fact that there will now be as many as 5000 people lose their right to bear a firearm.

Here is the question: will this bill save anyone of those women? There is no way that you can say that it will do anything. If these men are already abusive, then why would they need a gun? Why not just beat her to death?

What did the other seven murderers use to kill their victims? You see this has nothing to do with protection, and everything to do with going around the Constitution to disarm the people.

The Washington Standard reports

The purpose of the bill is obviously to protect victims of domestic abuse from their abusers; however, the mechanism that Connecticut has chosen completely ignores our Constitutional right to carry a firearm, as well as being a blatant attack on the principle that we are all innocent until proven guilty.

### **How the ‘digital exhaust’ of social media data can predict gun violence**

Unveiled at the SXSW technology festival, a group of data scientists and activists have demonstrated for the first time a new way to predict and study gun violence using social media. Scraping Tweets, Google searches, obituaries and local news, they’ve created a livestream of gun-related discussion and a map of violence and geo-tagged posts.

<http://www.theguardian.com/technology/2016/mar/14/digital-exhaust-social-media-data-gun-violence-predictions>.

### **Letter to the Editor by Baltimore Police Commissioner Kevin Davis: Put teeth in Maryland’s gun laws**

Arresting a person who illegally possesses a firearm is something Baltimore police officers did 1,179 times in 2015. These arrests typically involve person stops, foot chases, and traffic stops that are inherently dangerous. I’m thankful our cops are willing to risk their lives to get guns out of the hands of criminals whose access to a gun turns an argument into a homicide at the drop of a dime. The law in Maryland, however, calls this crime a misdemeanor. Its penalty, 30 days in jail, is imposed at the discretion of a judge who may suspend all or part of the sentence. It is standard practice to place convicted gun offenders on probation and to suspend virtually all of their sentences.

<http://www.baltimoresun.com/news/opinion/readersrespond/bs-ed-davis-guns-letter-20160308-story.html>

### **House overrides Gov. Earl Ray Tomblin veto, West Virginia moves toward permit less concealed guns**

West Virginia is close to joining a short list of states that let people carry hidden guns without permits or training. The GOP-led House voted Friday to override Democratic Gov. Earl Ray Tomblin’s veto of the bill. Surrounded by law enforcement officials Thursday, Tomblin vetoed the bill over safety concerns and urged the Legislature to listen to the pleas of law enforcement.

<http://www.wvgazettemail.com/news/20160304/house-overrides-tomblin-veto-wv-moves-toward-permitless-concealed-guns>

### **Georgia Senate OKs concealed gun carry for college campuses**

<http://abcnews.go.com/US/wireStory/georgia-senate-oks-concealed-gun-carry-college-campuses-37585356>

## Gun control: What works, what doesn't, and what remains open for debate

<https://www.washingtonpost.com/news/wonk/wp/2016/03/07/gun-control-what-works-what-doesnt-and-what-remains-open-for-debate/>

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### Not just for hitmen: Gun industry wants looser rules on silencers

<http://www.reuters.com/article/us-usa-guns-silencers-idUSKCN0WA19E>

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The Pennsylvania Supreme Court is reviewing a law that lets the National Rifle Association and other groups sue cities that enact gun-control measures

<http://www.usnews.com/news/us/articles/2016-03-09/pennsylvania-high-court-weighs-challenge-to-local-gun-laws>

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## Suit Against Maker of Gun in Newtown Massacre Can Proceed, Court Rules

-By RICK ROJAS — Friday, April 15th, 2016 'The New York Times'

A Connecticut judge declined on Thursday to dismiss a lawsuit brought against the maker of the assault-style rifle that a gunman used in the 2012 massacre at Sandy Hook Elementary School to fatally shoot 26 people before killing himself. The lawsuit, which was filed last year by nine of the families of people killed and a teacher who was injured, claims that Bushmaster Firearms International, the manufacturer of the AR-15 rifle used by the assailant, Adam Lanza, bore responsibility for selling and marketing a military-style weapon to untrained civilians, creating an “unreasonably high risk” that it would be used in a mass shooting. But lawyers representing the gun maker argued that the suit should be thrown out because of immunity provided by a 2005 law that shields firearm manufacturers and dealers from liability lawsuits.

In her ruling, Judge Barbara Bellis of State Superior Court did not agree with their argument. “We are thrilled that the gun companies’ motion to dismiss was denied,” said Josh Koskoff, a lawyer representing the families. “The families look forward to continuing their fight in court.” Lawyers for Bushmaster Firearms International and Remington Arms, another company named in the suit, did not return messages seeking comment. In 2005 Congress passed the Protection of Lawful Commerce in Arms Act, sharply restricting lawsuits against gun sellers and makers and giving them industry-wide immunity from blame when their product is used in a crime. But there were exceptions, including for defective weapons or instances of negligent entrustment, in which a gun is carelessly given or sold to a person posing a high risk of misusing it. Gun dealers had been sued on these grounds in the past, but the Sandy Hook lawsuit is the first time it has been used against a gun manufacturer, said Timothy D. Lytton, an expert in tort law and gun cases at the Georgia State University College of Law. The lawsuit claims that negligent entrustment applies because the manufacturer is marketing the gun to people who are not trained to handle it. But Professor Lytton said the lawsuit posed a significant question for the court: “Is this really what entrustment means, or is it too much of a stretch in the concept?” The lawsuit contended that the weapon’s utility for sporting and self-defense was “negligible in comparison to the risk that the weapon would be used in its assaultive capacity,” according to court records. Professor Lytton said Judge Bellis’s ruling should not be read as an endorsement of the argument raised in the lawsuit. “We don’t know whether this theory is going to be accepted by the court; we know the court is willing to think about it,” he said, noting that the judge took “a very narrow and technical approach” in the ruling. Still, Nicole Hockley, whose 6-year-old son Dylan was killed in the attack, called the judge’s decision a “historic moment.” “We are very hopeful that this is going to have a significant impact,” she said. The lawsuit has been drawn into the fray of the presidential campaign, when Senator Bernie Sanders was asked in an interview with The Daily News last week if he believed gun victims should be able to sue gunmakers. “No, I don’t,” he said. Then, Mr. Sanders added, “But I do believe that gun manufacturers and gun dealers should be able to be sued when they should know that guns are going into the hands of wrong people.” Hillary Clinton, his competitor for the Democratic presidential nomination, praised the judge’s ruling on Thursday. She said the 2005 law remained a “major obstacle for these families.” She added, “That is why, as president, I would lead the charge to repeal this law.”

Ms. Hockley said the goal of the lawsuit did not quite align with Mrs. Clinton's stance. "We're not saying ban the weapon or repeal any of the laws in place," she said. "We're saying, 'Please be held accountable for how you market and distribute weapons to civilians, specifically the AR-15.'" But she said it was gratifying to see that the issue, which matters so much to her, had attracted the attention of prominent figures. "I am incredibly humbled and appreciative of the fact that this is being debated now at the highest levels of our country," Ms. Hockley said. "It used to be a topic no one would dare discuss."

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### **As States Expand Gun Rights, the Police Object**

New York Times (05/04/16) Robertson, Campbell; Williams, Timothy

Various state lawmakers around the country are trying to weaken gun regulations, but they are facing opposition from law enforcement. In more than a dozen states with traditionally strong support for gun rights, the local police have become more vocal in combating the measures. This lies in stark contrast to the perceived alliance between these two camps, which have been largely on the same side of the national debate. But issues of officer safety, investigation efficiency, and search-and-seizure laws have caused police officers to reconsider those positions. The rise in violence against law enforcement is concerning to all officers around the country. In addition, the proliferation of laws makes it unclear when an officer can conduct a search after discovering an unpermitted weapon. Some lawmakers sympathize with the police, but some believe they are overstating how much gun rights would affect their investigations. But law enforcement continues the fight. "We're advocating the safety for our police officers, but on the other side, you have the NRA and other special interest groups that say, 'If you'll do this, we'll endorse you and make you look good,'" said Ken Winter, the executive director of the Mississippi Association of Chiefs of Police. Art Acevedo, the police chief in Austin, held a news conference recently and put the disagreement bluntly: "You can't be the party of law and order and not listen to your police chiefs."

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## NATIONAL NEWS

### **The State Troopers Fraternal Organization of New Jersey is urging the Transportation Department not to resume scheduled airline flights to Cuba until a fugitive convicted of killing.**

February 23, 2016

The State Troopers Fraternal Organization of New Jersey is urging the Transportation Department not to resume scheduled airline flights to Cuba until a fugitive convicted of killing a trooper is returned to a United States Prison from Cuba. The department is collecting airline proposals and comment about restoring scheduled flights to the island for the first time since 1963. But in a letter dated February 17th, the union opposes the move until dozens of fugitives are returned to justice in the United States. "We strongly oppose any request or approval of United Airlines or any other airline a permit to NJ Port Authority airports to fly back and forth to a country such as Cuba, that has openly slapped all Americans in the face with their policy of keeping U.S. fugitives away and safe from the reach of U.S. justice," The union is referring to Joanne Chesimard, also known as Assata Shakur, who was convicted in the 1977 killing of Trooper Werner Foerster on May 2, 1973, during a traffic stop on the New Jersey Turnpike.

At the time of the traffic stop, Chesimard, who was a member of the Black Liberation Army, was wanted for her involvement in several felonies, including bank robbery, according to the FBI. She and accomplices opened fire on the troopers, wounding one and killing Foerster at point-blank range, according to the FBI. Chesimard was sentenced to life in prison, but she escaped in 1979. She was spotted in Cuba in 1984 and is presumed to be still living there, according to the FBI, which has a \$1 million reward for her as one of the country's most wanted terrorists.

The House and Senate each unanimously passed resolutions in 1998 calling on Cuba to return Chesimard to a United States Prison. Transportation Secretary Anthony Foxx signed an agreement February 16th with his Cuban counterpart to allow up to 110 daily flights from the United States to Cuba.

A Justice Department division will no longer refer to people released from prison as "felons" or "convicts" because of the stigmatizing effects of the terms, an agency official announced in a Washington Post editorial Wednesday. Instead, Assistant Attorney General Karol Mason said the "disparaging labels" will be replaced by "person who committed a crime" or "individual who was incarcerated." The new lexicon is set to be utilized in "speeches, solicitations, website content and social media posts" emanating from the Office of Justice Programs.

"I have come to believe that we have a responsibility to reduce not only the physical but also the psychological barriers to reintegration," Mason wrote. "The labels we affix to those who have served time can drain their sense of self-worth and perpetuate a cycle of crime, the very thing re-entry programs are designed to prevent." OJP is responsible for research and development efforts to fight crime, but takes no direct law enforcement actions. The agency also works with state and local authorities. But not everyone is on board with the shift in vernacular.

J. Christian Adams, an attorney and ex-DOJ official, said the move is the latest attempt by the Obama administration "to destigmatize the most abhorrent behavior." Referring to ex-cons as "felons" is a good thing, Adams told FoxNews.com. "It helps people make important decisions about hiring, about renting, about associating with people who have shown a proclivity to break the law," he said. "Shame is not a bad thing. It's helped civilization rise. And people who cannot be trusted, who have committed violent crimes in the past, there's nothing wrong with calling them exactly what they are – and that is felons."

Karol Mason is the Assistant Attorney General for the Office of Justice Programs. ([ojp.gov](http://ojp.gov)) Mason, who has headed OJP since 2013, wrote the editorial on the heels of National Re-entry Week, last week's attempt to bring attention to the plight of those recently released from prison. A set of measures to make it easier for ex-cons to obtain state IDs once released from jail was announced in April as part of the initiatives.

The American Bar Association documented nearly 50,000 "collateral consequences of criminal convictions" during a four-year period, Mason wrote, citing penalties such as employment and voting issues that plague ex-prisoners' years after they've been released. Experts believe that number may be low, given that local ordinances also often

present barriers for ex-cons to gaining employment. “Our words have power,” Mason wrote. “They shape and color our estimations and judgments. They can build up or tear down.” The OJP move is certainly not the first time officials have tried to rebrand convicts in an attempt to make their return to civilian life easier. In October 2013, Philadelphia Mayor Michael Nutter proposed amending the city code to replace “ex-offender” with “returning citizen.” He had already issued an executive order making the language swap mandatory for city employees. Adams said it may be easy to shift the recent tide of softening language if a leader with “courage” is in place. But he’s not necessarily optimistic about the prospects. “In the past this has been a one-way ratchet, that every time these attempts to delegitimize American society are put in place, nobody has the courage to reverse them,” he said. “They don’t want to be criticized.”

*Note: I may not have agreed with all of the above, I would like to suggest that no felon should leave prison without being able to read and write. If he leaves as illiterate his job prospects are vastly limited. The learning process may be longer than one’s jail sentence. Maybe it can be tied into his parole time.*

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### **Microsoft fights to notify users of FBI surveillance**

By Michael Heller — Friday, April 15th, 2016 ‘TechTarget.Com News’ / Newton, MA

Microsoft has sued the Department of Justice to be allowed to notify its consumer and enterprise users when cloud-hosted files and messages have been requested by law enforcement.

According to Brad Smith, president and chief legal officer for Microsoft, the company believes “that with rare exceptions consumers and businesses have a right to know when the government accesses their emails or records.” But, Smith noted that it is “becoming routine for the U.S. government to issue orders that require email providers to keep these types of legal demands secret.” In a complaint filed against the Department of Justice (DoJ), Microsoft spelled out just how routine secrecy around FBI surveillance has become. Microsoft said that between Sept. 2014 and March 2016, Microsoft received 5,624 federal demands for customer information or data, nearly half of which (2,576) were accompanied by secrecy orders, “forbidding Microsoft from telling the affected customers that the government was looking at their information.” Worse, Microsoft said that “1,752 of these secrecy orders contained no time limit, meaning that Microsoft could forever be barred from telling the affected customer about the government’s intrusion.”

According to Rebecca Herold, CEO of Privacy Professor, this last fact is the most troubling. “The FBI is morphing into a continuous surveillance agency, seemingly without specific investigations involved. If the DoJ has a specific terrorist situation they are investigating, then it makes sense that there should be no communication to the person, or what should be few persons, involved with the specific situation,” Herold said. “However, having widespread and continuous access to individuals’ data, with no endpoint for the surveillance, is a different situation. When such a dragnet is cast in this way, the associated individuals should have a right to know that their communications are being monitored.” Microsoft claimed that the DoJ is violating its First and Fourth Amendment rights by not allowing the company to notify its customers of FBI surveillance or other government data requests. Microsoft wants the court to invalidate section 2703(b) of the US Code as unconstitutional in order to allow notifications to be sent to users.

This is not the first time Microsoft has challenged the government. In 2014, the company was able to overturn an FBI request for enterprise user’s data in Seattle court because Microsoft considered the non-disclosure portion of the request to be unlawful. Microsoft said in the filing: “Even when circumstances initially justify a secrecy order as the narrowest means available to satisfy a compelling government interest, the First Amendment demands that the provider be free to engage in truthful speech about the government’s activities as soon as secrecy is no longer required to satisfy that interest.”

Herold agreed and said FBI surveillance should not be performed by throwing such a “dragnet” unless there is specific need. “If there is not a specifically identified situation or threat being investigated, and the government is casting a wide surveillance net for general intelligence gathering, then those who are caught up in that spy net should be notified in some way,” Herold said. “If the government insists upon doing general surveillance then we need a digital ‘dolphin safe’ way for government surveillance to occur that will minimize the privacy harms to the innocents caught within the government’s widely flung digital surveillance net.”

**FBI Plans to Keep Apple iPhone-Hacking Method Secret**

Wall Street Journal (04/27/16) Barrett, Devlin

The FBI reportedly will not tell Apple how it cracked a terrorist's iPhone, leaving the company grasping for answers. The FBI knows how to use the tool but does not specifically know how it works, meaning that it can avoid a White House review. The controversial decision not to share the method is angering privacy advocates who believe the FBI's approach to encryption is unsatisfactory. Apple, for its part, believes the vulnerability the FBI found will have a short shelf life because new phones are continually updated and improved. FBI Director James Comey appeared at Georgetown University Tuesday and addressed the issue, noting that the key question is whether the FBI is "aware of a vulnerability, or did we just buy a tool and don't have sufficient knowledge of the vulnerability" to launch a White House review. The review, known as the Vulnerability Equities Process, is a policy used to decide whether or not to disclose the details of security flaws. Obama administration officials have said the process leans toward disclosing vulnerabilities so they can be patched, but some are against that position. Some privacy groups believe it could lead to law enforcement officials continuing to exploit vulnerabilities for their investigations. Regardless of whether or not the review takes place, it appears Apple will be in the dark with regards to the FBI's method.

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**Common software would have let FBI unlock shooter's iPhone**

By TAMI ABDOLLAH and BREE FOWLER (The Associated Press) — Sunday, February 21st, 2016

WASHINGTON (AP) -- The county government that owned the iPhone in a high-profile legal battle between Apple Inc. and the Justice Department paid for but never installed a feature that would have allowed the FBI to easily and immediately unlock the phone as part of the terrorism investigation into the shootings that killed 14 people in San Bernardino, California. If the technology, known as mobile device management, had been installed, San Bernardino officials would have been able to remotely unlock the iPhone for the FBI without the theatrics of a court battle that is now pitting digital privacy rights against national security concerns. The service costs \$4 per month per phone.

Instead, the only person who knew the unlocking passcode for the phone is the dead gunman, Syed Farook, who worked as an inspector in the county's public health department. The iPhone assigned to Farook also lacked a Touch ID feature, meaning the FBI cannot use the dead gunman's thumbprint to unlock it now. The FBI found the phone in a car after the shootings. A U.S. magistrate last week ordered Apple to provide the FBI with highly specialized software that could be loaded onto the work-issued iPhone 5C used by Farook. He died with his wife in a gun battle with police after killing 14 people in December. The software would help the FBI hack into the phone by bypassing a security time delay and feature that erases all data after 10 consecutive, unsuccessful attempts to guess the unlocking passcode. This would allow the FBI to use technology to rapidly and repeatedly test numbers in what's known as a brute force attack. The FBI said it wants to determine whether Farook had used his phone to communicate with others about the attack. FBI Director James Comey said the agency owes it to the victims of the San Bernardino terror attacks to try to gain access to a cellphone used by one of the gunmen. In a message posted Sunday night on the Lawfare blog, Comey said the FBI "can't look the survivors in the eye, or ourselves in the mirror, if we don't follow this lead." Comey said the court case "isn't about trying to set a precedent" but is instead about doing justice for the victims.

Apple has said it will protest the ruling and has until Friday to intervene in court. San Bernardino had an existing contract with a technology provider, MobileIron Inc., but did not install it on any inspectors' iPhones, county spokesman David Wert said. There is no countywide policy on the matter and departments make their own decisions, he said. MobileIron has confirmed that if the software were installed on the iPhone, it would unlock it. Wert disputed the value of the remote management technology because he said Farook - or any other county employee - could have removed it manually. That would have alerted county technology employees and led them to intervene.

In many offices and classrooms, officially issued smartphones include the installed management software. It can unlock the phone, delete all information in case of loss or theft, track the device's physical location, determine which apps are installed, check battery life and push software updates. The technology is intended

to make such products more suitable in corporate environments, where tighter controls are important to protect company secrets. "This is the business case" for mobile device management, said John Dickson, a principal at Denim Group Ltd., a security consultancy. "The organization simply has no control or influence or anything over the device unless they have some MDM authority. The ability to do remote air updates, the ability to do remote wipe, the ability to control certain settings. Those are the standard kinds of things you do in mobile device management." Dickson said "the big question now going forward, it builds the case for, is why this guy would have an essentially uncontrolled device."

This is the first time since the county issued its first Blackberry device in 2003 that law enforcement has needed access to a locked county-owned phone, Wert said. Prosecutors said in court filings that the county gave its consent to search the device. County policy said digital devices can be searched at any time and Farook signed such an agreement. Apple executives said Friday that the company had worked hard to help federal investigators get information off the locked iPhone, suggesting they use an iCloud workaround while the phone was connected to a familiar wireless network so that it would begin automatically backing up and provide access to data. The executives spoke on condition of anonymity because of the ongoing legal process. The executives said Apple sent engineers to work with the FBI on the workaround but the effort ultimately failed. The FBI said it worked with the county to reset the iCloud password a few days after the attack to try to get immediate access to the data. That effort eliminated the possibility of the Apple suggested workaround being possible.

But if the county had installed the management device it had bought onto Farook's phone, none of these efforts would have been necessary. Ted Olson, a lawyer for Apple, told ABC's "This Week" Sunday that the legal fight had evoked an important debate about privacy and civil liberties. But he warned there'd be no limiting what the government could require Apple to do in the future if the Justice Department got its way this time. "Apple has a responsibility to maintain the trust and faith of millions of people who've depended upon Apple to produce a product that protects their privacy - their intimate, personal life," said Olson, a former solicitor general under President George W. Bush. "This is a Pandora's box."

Gartner Inc., a technology research firm, estimated that over 60 percent of large enterprises - meaning business, government and educational entities - used some kind of MDM software as of last year, though not necessarily on all company-owned devices. That percentage is likely higher now than when the research was done months ago, said Terrence Cosgrove, a research director with Gartner's mobile and client computing research group. Cosgrove said MDM adoption rates are generally higher among government users. Many workers balk at the idea that the software can monitor and track their personal phones, said Alex Heid, chief research officer at the cybersecurity firm SecurityScorecard Inc. But if the company provides a phone, it's considered reasonable practice to use such software. "If a company's assumption is that they might not be able to get back into a device one day then it's not really a company asset at this point, it's a gift, he said.

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WhatsApp encryption said to stymie wiretap order. WhatsApp, which is owned by Facebook, allows customers to send messages and make phone calls over the Internet. In the last year, the company has been adding encryption to those conversations, making it impossible for the Justice Department to read or eavesdrop, even with a judge's wiretap order.

<http://www.nytimes.com/2016/03/13/us/politics/whatsapp-encryption-said-to-stymie-wiretap-order.html>

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## INTERNATIONAL NEWS

### **In Europe's Terror Fight, Police Push to Access American Tech Firms' Data**

By Devlin Barrett Julian E. Barnes and Valentina Pop — Sunday, May 1st, 2016 'The Wall Street Journal'

European counterterrorism officials say American laws and corporate policies are hampering their efforts to prevent the next attack, because legal procedures for getting international evidence from U.S.-based social-media firms are dangerously outdated. European police officials who face a lengthy process to get data from companies such as Facebook, Twitter, YouTube and WhatsApp want to make American technology firms more responsive to overseas requests. An online posting just days after the Paris attacks in November made clear how acute those tensions are. In it, a suspected Islamic State supporter boasted that a similar attack would occur the following Sunday in Brussels, people familiar with the incident said.

But when Belgian police sought to find out who was behind the account, the unidentified U.S. firm in question decided it would provide the subscriber data only if the company could notify the suspect of the search and give him the contact information of the police official involved. Belgian officials resisted that demand, fearing it could compromise the investigation and potentially endanger the police official, according to officials familiar with the discussions. The fight became tense enough that the U.S. Justice Department had to weigh in. That led to what one official called "a long discussion" that ultimately persuaded the company to give the Belgians the information. On Nov. 21, just over a week after the Paris killings, Belgium raised its security alert to the highest level and warned of an imminent threat, closing the subway system and schools and canceling events. Belgian officials wouldn't say whether the online posting influenced the four-day lockdown.

With domestic investigations, American companies are required to cooperate with U.S. court orders to comply with such requests. But in many cases, U.S. law expressly forbids companies to provide intercepted communications to foreign police officials, unless it is through a diplomatic review process. People on all sides agree any significant change for European access would have to come by changing U.S. law.

In the wake of the Paris and Brussels attacks, "people are pretty quick to point to the intelligence failures between France and Belgium, but in fact there's a very good chance there was information they couldn't get," said Terry Cunningham, president of the International Association of Chiefs of Police, which has pressed Congress on the issue. Other officials say leads in European terror cases can languish for as much as a year. Even when European police believe suspects are plotting a terrorist attack on European soil, they can't get access to the suspects' real-time Internet conversations on American-owned social-media sites. Under U.S. law, authorities can't conduct a legally valid intercept of communications if the suspected activity doesn't involve American interests. In other words, if a terror plot doesn't potentially threaten Americans in some way, European officials can't get legal authority to monitor the suspects' communications on an American social-media site.

Many U.S. Internet companies agree there is a problem. But they say their options are limited under current law. A spokeswoman for Facebook, which also owns WhatsApp, said the legal process for international evidence requests can be "slow and cumbersome," adding that the firm is "actively pushing the U.S. and other governments for reforms." Meanwhile, she said Facebook has "well-developed processes" for responding to international law-enforcement requests, including those that don't require a month's long diplomatic review process. Emergency requests get priority, she added, and the company is often able to respond within hours or, if necessary, even minutes. "Our legal and safety teams worked around the clock to respond to law-enforcement requests following the recent terrorist attacks," she said.

A spokeswoman for Google, which owns YouTube, said it responds to valid legal requests for user data from abroad "when they are consistent with the laws of the requesting country and the U.S., our policies, and international norms," a position echoed by Twitter. Beyond U.S. legal restrictions, officials at social-media companies say a number of factors can complicate such requests. Some foreign requests may fall short of generally accepted legal practices in the U.S., they say, and sometimes investigators are just very unfamiliar with the proper department to contact at a particular company.

European investigators say the difficulty in getting timely information about suspects not only hampered European police in the lead-up to the March Brussels attacks, but is also hindering the current investigation of those attacks. Koen Geens, Belgium's justice minister, said the problem needs to be urgently addressed. "The level of cooperation strongly differs from provider to provider, but generally it is largely unsatisfactory and it endangers investigations and, by consequence, people's security," he said.

Many complaints focus on a diplomatic tool called Mutual Legal Assistance Treaties, or MLATs, which guide the exchange of evidence in criminal matters between the U.S. and other countries, including requests put to Internet companies. Because of legal and bureaucratic steps, it can take nearly a year under an MLAT for a European detective to obtain evidence. By the time the search is approved, European officials said, the critical information has often been deleted, because many U.S. companies retain it for only a limited period. "It takes so long, by the time it's approved there's no data left," said one Belgian official.

American police agencies are engaged in their own struggle with Silicon Valley over issues of privacy and security, but the international dimension adds another layer of tension. As the European complaints illustrate, technology and terrorism are entirely international, adding to the challenges of officials limited by borders. The growing use of encryption, for example, increasingly means that an in-country wiretap may be useless because the only unencrypted version of a conversation between European suspects may reside in a computer server on U.S. soil. Some U.S. law-enforcement officials see merit in the European complaints. But they also say Europe sends mixed signals when it comes to privacy: On the one hand, European law-enforcement officials demand firms provide quicker access to suspects' information, and retain that data longer; on the other, European civil rights authorities insist on concepts such as "the right to be forgotten," which allows for some Internet data on individuals to disappear if it is deemed an infringement on privacy.

European law-enforcement officials said they are sensitive to accusations that they are blaming U.S. companies for their own failures. But they said they had been pushing for policy changes since well before the Paris and Brussels attacks. Alejandro Mayorkas, U.S. deputy secretary of the homeland security, said the MLAT system is under review. "The MLATs are unworkable given the customary time frame—sometimes months," he said in an interview. Even with a law change, though, specific agreements would likely have to be negotiated with numerous countries. The Justice Department recently struck a deal to speed up the process for one country, the U.K., but that change still requires congressional approval. Meanwhile, European law-enforcement agencies' demands are growing. Since 2000, according to the Justice Department, the MLAT requests from foreign countries for electronic evidence has risen 10-fold.

—Matthias Verbergt in Stockholm and Anton Troianovski in Berlin contributed to this article.



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**INTERESTING ARTICLES****What Caused the Great Crime Decline in the U.S.?**

By Matt Ford — Friday, April 15th, 2016 'The Atlantic' / Washington, DC

After decades of soaring levels of homicides and drug violence, the country's crime rate plunged dramatically over the last 25 years. What happened?

Q&A is a special series that inverts the classic Q&A, taking some of the most frequently posed solutions to pressing matters of policy and exploring their complexity.

In the early 1990s, U.S. crime rates had been on a steep upward climb since the Lyndon B. Johnson presidency. The crack-cocaine epidemic in the mid-1980s added fuel to the fire, and handgun-related homicides more than doubled between 1985 and 1990. That year, murders peaked in New York City with 2,245 killings. Politicians embraced tough-on-crime platforms and enacted harshly punitive policies. Experts warned the worst could be yet to come. Then crime rates went down. And then they kept going down.

By decade's end, the homicide rate plunged 42 percent nationwide. Violent crime decreased by one-third. What turned into a precipitous decline started later in some areas and took longer in others? But it happened everywhere: in each region of the country, in cities large and small, in rural and urban areas alike. In the Northeast, which reaped the largest benefits, the homicide rate was halved. Murders plummeted by 75 percent in New York City alone as the city entered the new millennium.

The trend kept ticking downward from there, more slowly and with some fluctuations, to the present day. By virtually any metric, Americans now live in one of the least violent times in the nation's history.

But the forces that drove the Great American Crime Decline remain a mystery. Theories abound among sociologists, economists, and political scientists about the causes, with some hypotheses stronger than others. But there's no real consensus among scholars about what caused one of the largest social shifts in modern American history. So, what happened?

**ANSWER** - I remember the 1990s as a pretty good time for economic growth. Maybe that offered less incentive for crime.

**QUESTION** - Maybe, but it depends on what metric you use to measure economic growth. Did lower unemployment rates lead to lower crime rates? There's some research to suggest a connection, but it's a minor one at best. In its analysis last year on the crime decline's causes, the Brennan Center for Justice estimated that only about 0 to 5 percent of the decline in the 1990s could be attributed to higher employment. What about income growth? Some researchers theorize that greater opportunity for legal income reduces the need for illegal sources of it. The Brennan Center's analysis attributed about 5 to 10 percent of the 1990s decline to it, a relatively modest amount. There's also early research that suggests more abstract economic factors like inflation and consumer confidence may have played a role.

But the economy's role also raises a vexing question. If economic growth and criminal activity are linked, why wasn't there a crime wave during the Great Recession? The national unemployment rate nearly doubled after the crash, peaking at 10 percent in October 2009, and median household income plunged. But crime rates not only failed to spike in response, they actually reached a 40-year low in 2010.

**ANSWER** - Another national trend must have played a role, then. Maybe the decrease in alcohol consumption over the last few decades had an effect.

**QUESTION** - How closely related are alcohol and crime? The National Bureau of Economic Research found correlations between its consumption and aggravated assault, rape, and some types of theft. (It also didn't find one with murder or burglary.) Since assault is the most common violent crime, it's logical that increased alcohol use leads to higher crime rates. Americans only drank slightly less beer, the most common form of alcohol consumption at that time, between 1990 and 2000. But it was enough for the Brennan Center to attribute to it a 7.5 percent drop in crime during the 1990s. But it's worth noting that U.S. alcohol consumption isn't that exceptional on a global

scale. World Health Organization data show the average American drinks slightly less alcohol each year compared to the average Canadian or European. Yet violent crime rates in the U.S. are much higher in comparison. Why the disparity?

**ANSWER** - If we're measuring against the rest of the world, then maybe mass incarceration played a role. The United States imprisons more people than anywhere else in the world, both in relative and total numbers. It seems logical that fewer criminals are on the streets as a result of tough-on-crime policies from that era.

**QUESTION** - Reasonable as it might sound, the research turns out to be far less conclusive. A panel from the National Academy of Sciences looked at the existing research for its landmark 2012 report on the American prison system. They concluded that "on balance," higher incarceration rates had a "modest" effect on the decline. But they also cautioned that a lack of clear evidence means any benefits were "unlikely to have been large." What caused the rest of the decline? The panel also found little indication of a deterrent effect. Most offenders reach a point when they age out of criminal behavior, limiting the utility of mandatory minimum sentencing. For this reason, the academy's report concluded lengthy prison sentences are "ineffective as a crime-control measure" in virtually all circumstances. Some research even suggests harsh prison conditions could make inmates more likely to reoffend. These meager gains also shouldn't be invoked without reckoning with the losses incurred. Mass incarceration came with ruinous consequences for communities of color and American society as a whole.

**ANSWER** - I get where you're coming from on mass incarceration's sins. But surely law enforcement and better policing played some kind of role in the decline.

**QUESTION** - Let's break that down further by policy. One of the most common responses to crime in the 1980s and early '90s was to hire more police officers, for example. But how much of an impact did it have? In its analysis last year on the crime decline's causes, the Brennan Center found a "modest, downward effect on crime in the 1990s, likely 0 to 10 percent" from increased hiring of police officers. There's also some scholarly consensus on the role CompStat, a crime-statistics tracking tool, played in improving police responses. But other policing tactics appeared to have little impact, even in New York City, which led the innovative wave in the early '90s. Mayor Rudy Giuliani and NYPD Commissioner Bill Bratton credit their broken-windows-style reforms for crime's sharp decline after taking office in 1994. But scholars are quick to note the trend actually began in 1990. Crime also continued to decline after the NYPD largely abandoned its controversial stop-and-frisk policy in recent years, for example. Economist Steven Levitt attributed New York City's successes to the city's higher rate of abortion, part of his broader argument linking *Roe v. Wade* to the crime decline.

**ANSWER** - I'm a little skeptical a Supreme Court opinion could reduce crime rates two decades later.

**QUESTION** - In the original paper outlining the theory, Levitt and fellow economist John Donohoe argued the 1973 ruling reduced the number of children born in unwanted circumstances, thereby reducing the number of children predisposed to violent crime later in life. Overall, they estimated this 20-year lag effect might account for as much as half of the crime decline in the '90s. How well does this hold up? One complication is the prevalence of illegal abortion before '73. The Guttmacher Institute estimates between 700,000 and 800,000 women terminated their pregnancies each year in the decades preceding *Roe*. If large numbers of women prevented unwanted births prior to the ruling, the sudden availability of legal abortion might not have radically changed the overall number.

Another thought: How does the theory scale across the globe? Crime rates rose and fell in other industrialized countries in tandem with the United States over the past 50 years. Did they see similar declines when they liberalized their abortion laws? Demonstrating its effect in lowering foreign crime rates would strengthen the argument for its role in the U.S. decline, too.

**ANSWER** - Wait, if other countries also had similar rises and declines in crime, that suggests the decline's cause might be a factor that crosses borders. I think I read a *Mother Jones* article about something like this a few years ago.

**QUESTION** - Are you thinking of lead? The neurotoxic element stunts intellectual growth in children and causes behavioral problems when they become adults, but it wasn't seen as a possible culprit for a nationwide crime wave until recently. In her 2007 paper on the relationship, economist Jessica Reyes attributed a 56 percent drop in violent

crime in the 1990s to the removal of lead from gasoline after the Clean Air Act of 1970. With children born after the early 1970s less affected by lead's toxic effects, the logic goes, they would be less likely to commit crimes once they reached their 20s in the early 1990s. Mother Jones reporter Kevin Drum helped popularize the theory in his 2013 cover story. "In states where consumption of leaded gasoline declined slowly, crime declined slowly," he wrote. "Where it declined quickly, crime declined quickly." And, perhaps most intriguingly, the correlation held in other countries, too.

But as convincing as all this might sound, there are gray areas for researchers to explore further. One of them is the data itself. Reyes's original study relied on the Uniform Crime Reports, the FBI's annual compilation of crimes documented by police departments nationwide. But a recent study found that using another major crime data set—the National Crime Victimization Survey, conducted by the federal Bureau of Justice Statistics—significantly reduced the correlation between lead exposure and violent crime. (Drum examined the implications at length in January.) Which data set is right?

These aren't the only theories about the Great American Crime Decline out there. Indeed, the Brennan Center's estimate only accounted for roughly one-third of the overall decline in crime during the 1990s. Nor are these the only questions the decline raises about our understanding of crime, justice, and public policy.

What's the correlation, for example, between economic inequality and crime? How does gentrification affect crime rates in major cities?

What other factors may have influenced the decline? Can it be attributed to antidepressants or the proliferation of cell phones? What about the aging of the baby boomer generation, or higher rates of gun ownership?

And—however non-sequitur it might sound—will climate change reverse it?

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### **To Forfeiture to Not to Forfeiture – That is the question**

By Nick Sibilla — Friday, April 15th, 2016 'Forbes Magazine' / New York, NY (Op-Ed / Commentary)

#### **Criminal Cases Against Police Show There's a Fine Line Between Civil Forfeiture and Stealing**

Without ever having to secure a criminal conviction, or even file charges, law enforcement agencies can permanently confiscate cash, cars, homes and other valuables. Known as civil forfeiture, the arrangement has been blasted as "policing for profit" and "little more than state-sanctioned theft." Now prosecutors have brought criminal cases against law enforcement officers, accusing them of theft and extortion.

On March 31, a former Virginia deputy was convicted for embezzling more than \$229,000 in asset forfeiture funds. "Designated as the deputy responsible for overseeing the asset forfeiture program," Frank Michael Pearson was able to "steal money that had been seized by other members of the Loudoun County Sheriff's Office for potential asset forfeiture," a release by the U.S. Department of Justice recounted. Pearson now faces up to 10 years of imprisonment for each of his four counts of theft.

Yet in Virginia and 42 other states, police and prosecutors can retain anywhere from 45 to 100 percent of forfeiture proceeds—a clear incentive to seize. Apparently Pearson took the "eat what you kill" mindset on confiscating property one step too far. The same day Pearson was convicted, an Oklahoma grand jury indicted Wagoner County Sheriff Bob Colbert and Deputy Jeff Gragg on three felony counts, including bribery and extortion. Back in December 2014, Gragg pulled over Torell Wallace and a 17-year-old passenger. During the traffic stop, the deputy reportedly searched the car and found \$10,000 in cash. Gragg arrested both individuals for "possession of drug proceeds," a felony. "After being taken to the Wagoner County Jail, Colbert and Gragg accepted a bribe from Wallace and the passenger when Wallace disclaimed any interest in the cash," the state's attorney general alleged in a release. Both Wallace and the minor were released, while "the cash was placed in a Sheriff's Drug Forfeiture account."

Colbert and Gragg could each face up to 25 years in prison and fines as high as \$10,000 if convicted. The sheriff has already been suspended from his duties. As The Oklahoman summarized it, Colbert's attorney defended the traffic stop as "a routine drug interdiction and a lawful cash seizure of drug funds."

She certainly has a point. The traffic stop described in the indictment is unfortunately not an uncommon scene on America's highways. As portrayed in heartbreaking detail by *The New Yorker* and *The Washington Post*, police have pulled over motorists (many of whom are immigrants, low-income or people of color), seized their cash and then intimidated them to sign roadside waivers disclaiming ownership, or else face criminal prosecution.

In Philadelphia, law enforcement egregiously practiced "seize and seal," whereby police would seize a home and seal it, preventing the owners from returning home. To unseal the property, homeowners—who often were never accused of any wrongdoing—would typically have to agree to waive key legal defenses, including the right to trial, Pennsylvania's defense for innocent, third-party owners and their ability to challenge the forfeiture as an "excessive fine" under the state and federal constitutions. Records obtained by the Institute for Justice, which sued the city for its "civil forfeiture machine," show that Philadelphia forfeited nearly 1,200 homes and other real estate properties between 2002 and 2012.

Last November, Philadelphia agreed to a settlement agreement to strictly curtail this policy and to dismiss existing seize and seal orders. The rest of IJ's lawsuit, including challenging the city's incentive in forfeiture, is still ongoing. While Philadelphia's actions were widely condemned (including on a memorable episode of *Last Week Tonight with John Oliver*), one prosecutor was apparently inspired. Speaking at a vehicle forfeiture conference in 2014, Pete Connelly, then the city attorney for Las Cruces, N.M., praised the city's program as a "gold mine." "Just think what you could do as the legal department," he added. "We could be czars." Nor is Connelly alone with his unabashed support for aggressive forfeiture laws. Sean McMurtry, a prosecutor in New Jersey, once taught a course on civil forfeiture, with a lesson plan that advised, "IF IN DOUBT...TAKE IT!" Not one for subtlety, Ron Hain, an Illinois deputy, self-published a book on highway interdiction and asset forfeiture, where he called for "turning our police forces into present-day Robin Hoods."

Given such reckless attitudes towards police profiteering, it's no surprise forfeiture has skyrocketed. Back in 1986, the year after the Justice Department established its Assets Forfeiture Fund, it had \$93.7 million in deposits. By 2014, that number had topped \$4.5 billion. On the state level, data is patchier, but according to an Institute for Justice report, "total annual forfeiture revenue across 14 states more than doubled from 2002 to 2013." Forcibly redistributing all that wealth from the law-abiding to police coffers may even harm the economy at large. In its 2015 report on global economic freedom, the Fraser Institute noted that the United States was the "world's freest OECD nation" up until 2000. But economic liberty has been on the decline ever since, with "property rights and the rule of law" in particular "under attack in the United States." One "contributing factor" to this erosion, the Fraser Institute posited, could be "the expansion in civil asset forfeitures." Because the financial incentive is so strong, even if prosecutors were willing to bring more indictments against those who illegally gain from forfeiture, that would be no substitute for systemic reform. Lawmakers must curtail policing for profit. Any and all proceeds should be directed away from police budgets and towards either the general fund or a neutral fund, like education. Requiring a criminal conviction and banning roadside waivers would go far in protecting due process rights for property owners. Civil forfeiture clearly has the power to tempt law enforcers to become law breakers. Theft is theft, even if it's done by someone wearing a badge.

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### **Obama just gave cops the OK to simply take your stuff**

By Ilya Meyer and Randal Shapiro — Friday, April 15th, 2016 'The New York Post' (Op-Ed / Commentary)

When Attorney General Loretta Lynch decided late last year that the Justice Department would end the federal civil-asset forfeiture program, criminal-justice reform advocates proclaimed it a "significant deal." But late last month, less than four months later, the Obama administration reversed itself and reinstated the Asset Forfeiture Fund's Orwellian "equitable sharing" program.

That's a shame, particularly when the only supporters of the policy are the law-enforcement agencies that directly benefit from it. Indeed, the federal program's combined annual revenue has grown more than 1,000 percent in the last 15 years, filling the coffers of federal, state and local police departments. Civil forfeiture allows police to seize private assets, often without any proof of wrongdoing, and often the agency doing the seizing gets to keep all or most of the proceeds. The federal civil-forfeiture program was passed in 1984 as part of President Ronald Reagan's Comprehensive Crime Control Act. It was intended for use against major drug traffickers and cartels. Now police

use the “adoptive forfeiture” aspect of the law to avoid the higher burdens of proof and other restrictions on asset forfeiture that states have been enacting. If the underlying actions that state officials are investigating also constitute a federal crime — like simple possession of marijuana — then the relevant assets may be forfeited to the feds. It thus undermines state governments’ ability to control their own police forces. While many states ensure that seized assets go to the general treasury — or for special funds, like education — the federal program requires that they be used solely for law enforcement.

Attempting to get back their money or property often forces owners into a legal labyrinth designed to favor law enforcement. In one recent case in California, a DEA agent seized \$16,000 from Joseph Rivers as he was traveling by train to start a music career in Los Angeles. The only suspicious thing about Rivers was that he was traveling a long way on a one-way ticket with a lot of cash. In October, after nearly half a year of legal wrangling, the government won its legal battle for Rivers’ money — and he wasn’t even issued a ticket. Ending this practice administratively (again) would go a long way to stopping “policing for profit” and cure obvious injustices at low political cost. Of course, the Justice Department made clear by reinstating the program that the only way to end federal asset forfeiture would be the same way it was brought into the world — federal law. The good news is that even a gridlocked Congress could do it. One easy way would be to do what it does best: pilfer a federal spending program. When the Justice Department suspended its program in December, it noted that the Consolidated Appropriations Act of 2016 and the Bipartisan Budget Act of 2015 had “reduced Assets Forfeiture Program funds by \$1.2 billion. “It wasn’t criminal-justice concerns that dictated the change, but rather that “those rescissions threatened the financial solvency of the Assets Forfeiture Fund.” DOJ promised that it would “take all appropriate and necessary measures” to “reinstate sharing distributions as soon as practical and financially feasible.”

By hamstringing the fund, the GOP-led Congress accomplished a significant victory on a criminal-justice issue on which both sides of the aisle agree. Now, Republicans can repeat their past success and defund the program. This move would tie the Justice Department’s hands for the time being while meaningful reform can be considered. Congress — this or the one elected in November — also could consider meaningful reform to the process of asset forfeiture and the lax federal laws that encourage states to join the program. Permanently reforming it and putting serious restraints on executive officials ultimately rests with the body that passed the law in the first place. Congress should act. It’s time to reform a tool that has done far more harm to the average citizen, and state freedom, than any benefit to any criminal-justice or law-enforcement interests — or repeal it altogether.

Ilya Shapiro is a senior fellow in constitutional studies at the Cato Institute, where Randal Meyer is a legal associate.

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WASHINGTON (AP) — President Barack Obama has designated the Stonewall Inn in New York the first national monument dedicated to gay rights. According to the Obama administration’s, the tavern in Greenwich Village was the site of a 1969 uprising widely viewed as the start of the gay rights movement. Proposals being considered would cover a small park on the street where the bar is located and the surrounding area.

*Note: I am familiar with this incident as I was working at the time. The police at times can be the instrument of public opinion. Public and probably religious opinions focus or targeted gays. Gays were somewhat isolated and tended to frequent their own social taverns. What made it more difficult for them was that organized crime generally operated those establishments that catered to the gay community. So they were in a sense caught between public opinion and organized crime crackdowns.*

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Bowing to the demands of homosexual activists, more than 100 colleges and universities are holding separate graduation ceremonies for homosexual and lesbian students. They’re known as “Lavender Graduations”—a reference to the colored triangles the Nazis forced homosexual men to wear. Education news website Education Reform reported on this year’s graduations, citing a report from the Human Rights Campaign, a homosexual lobbying group. Advocates say they provide a sense of community for LGBTQ students. Still, Linda Harvey of Mission America has questions.

“And when do the Christian students get a separate graduation,” Harvey asks, “that would honor their struggle to maintain their increasingly unpopular faith in a politically correct world if we’re dividing students and separating

people into special interest groups?” Harvey believes holding separate ceremonies for homosexual students is actually counterproductive. “The separation of homosexual students into their own graduation, and honoring them and respecting them in this way, is just one more plank in what is really a shaky platform of perpetual victimhood,” she tells OneNewsNow.

Not everyone in the homosexual community is in agreement with the “Lavender Graduations.” Speaking anonymously to Campus Reform, one bisexual Missouri University student believes graduation is a time to bring people together, not separate them. “To set up exclusive graduations for specific students, I feel, detracts from that,” the student said.

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### **This Liberal Judge Just Put an End to Women’s Sports**

By Scot Wolf May 12, 2016

Sorry ladies. The Obama Administration’s liberal minions and judges just ended women’s sports. The liberal argument currently being made for restrooms is not based on biology, but on what a person “feels they are”. Most commentators are rightfully afraid that this opens the door for “perverted” men to pose as women and freely enter women’s locker rooms and rest rooms. It does much more. It makes men eligible to play in women’s sports leagues. The new liberal definition of a woman is anyone who feels like they are a woman, including athletics.

Sports: This redefinition could be very advantageous for some men. Say a male basketball player isn’t good enough to receive a scholarship at a major college, but is capable of starring were he to play on the women’s team. By creating this new definition, the basketball player can compete and earn a scholarship on the women’s team. Why should this male be punished by a societal definition? The student could also join the women’s basketball team and if he had average athletic ability for a male, would likely become a dominant force competing against “traditional” females. The student might enjoy being the star of the women’s team, rather than a bench-warmer for the men’s team. There are many good female athletes, but in a standard population the top women cannot play hoops as well as the top men.

Or take it to the next level. Here’s a potential real world example that would be rocking the professional sports world in California were the societal definition to change.

Candace Parker plays for the WNBA’s Los Angeles Sparks where she reportedly makes around \$100,000 a year. A pittance compared to the NBA, but still a nice salary. Candace is listed on the roster as a center/forward and is 6’ 4” tall. She is also one of the few women who have dunked the basketball in games. In the NBA, forwards are usually a 6’ 8” and up. 6’ 4” is a good size for a guard. Anyone watching an NBA game or even an NCAA college game will realize men of that size routinely dunk the ball. They tend to be extremely athletic.

So here’s the opportunity for a male basketball player to be a star, and make \$100,000 per year. Just claim to be a woman inside and try-out for the Sparks. A male 6’ 7” small forward who is not good enough to play in the NBA, is capable of being a dominating center in the WNBA – easily dunking against the smaller women. Maybe the man sells it buy growing “her” hair out a little and wearing lip gloss.

This was written over a year ago before liberals began to use the judicial system and their activist judges to rewrite common sense law with respect to gender. The federal government has already established its precedent for dictating “equality” in college education. Expect the full force of government from a liberal administration to expand this equality to trans-people.

Why would man do this? It is important to realize that college costs \$30,000-\$60,000 per year. How long will it take for men to realize there are full ride scholarships available by making the women’s NCAA teams? It’s a great way to pay for college. Liberals don’t even require that the man grow out his hair or wear make-up. He just needs to claim he is a transitioning woman.

What will ESPN do with the first trans-gender woman WNBA player? They tried to turn Michael Sam into a hero for being the first openly homosexual NFL player. Won’t they also praise the first transgender woman to play in the WNBA? Even more so if “she” is actually a superstar in the league? Once you get one trans-woman breaking the barrier, more will surely follow. Who will be left out? The real women who can no longer compete with the

bigger stronger trans-women. But, at least the real women can warm the bench and date their trans-woman star teammates. After all, many of the trans-women will end up being “lesbian” and be very interested in dating other women.

Hilary Clinton has given every indication of continuing the Obama Administration path should she become president. She will control the Justice department and nominate the federal judges that will carry out these policies. There are consequences to voting for her.

As fans of limited-government observe increasing government overreach, I thought you would enjoy this recent news item. Seattle passed an ordinance that allowed garbage collectors to look inside residents’ trash to discover if they were wasting food. If they determined any resident was wasting food, they would fine them on the spot. That is until attorneys at the Pacific Legal Foundation won a legal case to halt this governmental invasion of privacy. Now would you call this item a “lot of garbage.”

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The San Diego Union-Tribune SAN DIEGO — Humans are becoming so passé. Facebook now wants to expand your social circle in its messaging app, Messenger, beyond friends to include robots — or chatbots — that are powered by artificial intelligence, and designed to shop, search and generally just get things done for you. It’s certainly a leap to think, we people want to connect with computer programs in the same space where we spill our guts to our closet pals, gossip with our coworkers and coordinate with family members to arrange life’s most sacred events, weddings, funerals, etc. We are doing some of this even now. Also the younger generations are already glued to their phones and prefer to communicate via texts and mobile messages will latch on to these bot-enabled friendships with benefits. It appears that we’re all being programmed to make our phones the center of our universe. Essentially, many predict Chatbot’s are just an expansion of the computer platform of the cellphone. Still it possible that Facebook is taking a risk by inviting businesses in a friend only zone.

It might be time to worry should your children or grandchildren start dating them online.

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## **IT’S TIME FOR SOME HUMOR**

### **The Irish diabetic**

One day an Irishman goes into a pharmacy reaches into his pocket and takes out a small Irish whiskey bottle and a teaspoon.

He pours from the bottle onto the teaspoon and offers it to the chemist. “Could you taste this for me, please?”

The chemist takes the teaspoon, puts it in his mouth, swills the liquid around and swallows it.

“Does that taste sweet to you?” asks Paddy. “No, not at all,” says the chemist.

“Oh that’s a relief,” says Paddy. “The doctor told me to come here and get my urine tested for sugar.”

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### **Florida Ad Clipping**



This is Lexi, she’s an 8 week-old German Shepherd.

I bought Lexi as a surprise for my wife but it turns out she is allergic to dogs so we are now looking to find her a new home.

She is 59 years old, and is a very kind woman.

She drives, is a good cook and will keep your clothes laundered and your house clean.

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October 13–15, 2016  
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### **IACP Annual Conference**

October 15–18, 2016  
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