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The official publication of the New Jersey State PBA

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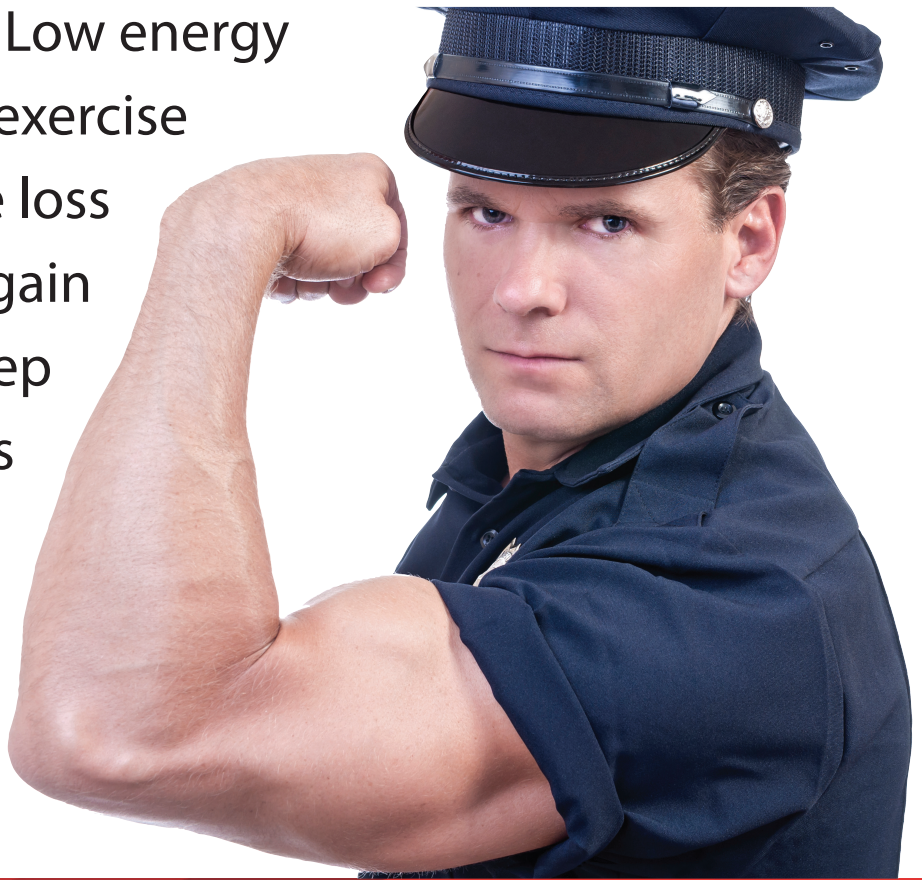
JANUARY 2021

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The President's Message

Recommended reading and a reminder about the vaccine



**Patrick
Colligan**

There is not a lot left to be said this month once you read our "State of the Union" article in this issue. *NJ Cops Magazine* Publisher Mitchell Krugel asked Executive Vice President Marc Kovar and I about all the major issues we have been dealing with the past year. And what a year it has been!

Our COVID-19 issue in December was timely and well received. In fact, I have never received more unsolicited responses ever regarding one particular issue of the magazine. I want to remind everybody that we strongly believe that the choice to receive the vaccine is your own and *cannot* be mandated by your employer. The case law some employers are touting regarding vaccines indicates that it went through the standard approval process. This vaccine *did not*!

For the record, I am not anti-vaccine. I received mine on Jan. 11, but not without my own personal concerns. Our government does not have a stellar record on safety and security. The "safe" air at Ground Zero continues to claim lives today. Nevertheless, the decision to vaccinate from COVID-19 is yours and yours alone.

Speaking of this issue, it begins the 25th year of *NJ Cops Magazine*, and in March we will celebrate our 10th anniversary with the collaboration of the NJSPBA and Krurapp Communications, Inc. This is your publication, so if there is something you would like to see or something you think we have been missing, please reach out to us at news@njspba.com. Please don't forget, we always want to cover stories from your Local and the great things you are doing for your communities.

Please read the state of the union beginning on page 34. I'm glad to see 2020 is behind us and looking forward to a brighter year ahead. As always, please stay safe and keep an extra eye out these days for our brothers and sisters.

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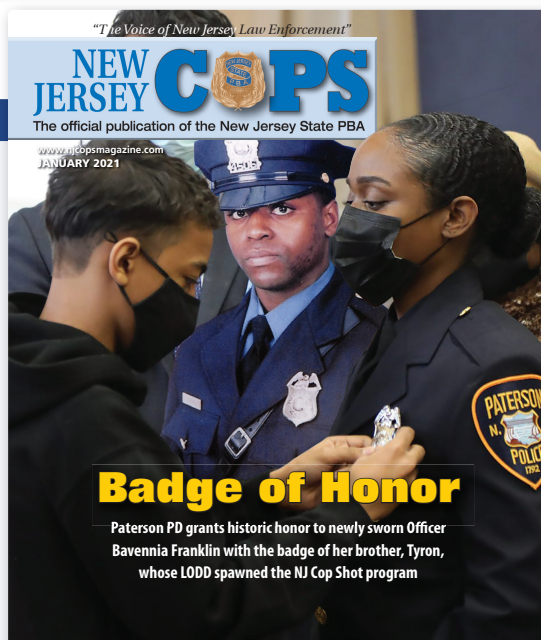
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Her Brother's Keeper

Newly sworn Paterson Officer Bavennia Franklin remembers her fallen brother, Paterson Local 1 member Tyron Franklin, nearly every day. Fourteen years ago, Tyron was fatally shot in the line of duty while fighting off a gang member at a local fast-food restaurant. Since that day, Bavennia has carried on her brother's law enforcement legacy and recently became one of the newest members of Paterson Local 1. In a historic move, Bavennia also received the distinction of receiving her brother's badge number. Now, when she steps out on the job every day, she is finishing what her brother started.



COVER DESIGN BY GINA CROTCHFELT

State of Your Union

NJSPBA President Pat Colligan and Executive Vice President Marc Kovar put 2020 behind and look ahead to the challenges and opportunities the union and its members face in their 2021 state of the union conversation **Page 34**

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Marc Kovar
Executive Vice President

Politics and the NJSPBA: Action over rhetoric

At the beginning of a big election year in New Jersey, where every seat in the state legislature will be on the ballot along with a vote for the next governor, I think it is important that we address the question of why we get involved in politics with endorsements and volunteer efforts.

It is a question many members bring up regularly, particularly when politicians are tripping over themselves to get to a microphone, join a media scrum and issue whatever rhetorical soundbite will get them into the issue of the day.

During frustrating and difficult times, we may find ourselves asking how we can be perceived as heroes on the front lines fighting through COVID-19 to protect streets and neighborhoods one day and then lumped together with individual examples of criminal behavior even as we are the first in line to denounce that behavior.

But that disappointment and anger in those moments cannot ever deter us from making sure we take every step to secure a bright future for members and their families. And that is why we need to always engage in this political process.

More tangibly, we engage so we can finally get control of our pension system. We engage so we can get increased accidental death benefits for our surviving spouses and so that we can correct the huge mistake of putting prisoners before law enforcement in the planned phases of COVID-19 vaccination distribution.

Because we ignore the rhetoric and work toward action, we are able to achieve results that benefit every NJSPBA member, along with members' families. Years ago, under the leadership of longtime PBA President Anthony Wieners, the NJSPBA endorsed Governor Corzine for re-election against the strong objection of many members. The candidate he ran against, Chris Christie, promised time and again not to touch our pensions, and some of our members organized "Cops for Christie" to sup-



port his candidacy, as was certainly their right. A smaller group of members even endorsed Christie for re-election in 2013.

Of course, once Christie took office, he implemented the 2-percent cap and Chapter 78 that required healthcare contributions from each of our members. Given a choice, it would always be easy to make a decision based on rhetoric. But the long-term consequences of the wrong decision can result in a tremendous negative impact on each of our members. In the case of Chris Christie, it took almost a decade to right those wrongs. Under Governor Murphy, we finally gained control of our pension (PFRS) and the 2-percent cap was allowed to expire.

The Murphy administration also recently signed into law a bill that helps public safety officers affected by accidental deaths. The "Dominick Marino PFRS Enhanced Benefits for Surviving Spouses Act" provides financial security for a public safety officer's family by assuring that the accidental death benefit provided by the Police and Firemen's Retirement System (PFRS) cannot be less than \$50,000 annually.

Dominick Marino was a former firefighter and past president of the Professional Firefighters Association of New Jersey (PFANJ), who died in the line of duty earlier this year. Oftentimes, he stood with us for legislation that supported public safety officers, whose job it is to risk our lives to keep our communities safe. Dominick's family remains in

our thoughts and prayers.

As a COVID-19 vaccination update, we had serious concerns about reports of prisoners being positioned ahead of law enforcement in the planned phases of vaccination distribution. It is hard to imagine who thought it was a good idea to prioritize criminals ahead of corrections officers whose job it is to watch over them. However, NJSPBA President Pat Colligan and I strongly objected and, to their credit, the administration corrected the mistake by moving law enforcement into the Group 1A vaccination distribution list.

I believe strongly that the positive gains we have made could not, and would not, happen if not for our involvement in politics and our willingness to prioritize actions over rhetoric. While we do not win every political battle, the relationships forged have created much more opportunity for our members. And that is our priority.

I will be the first person to acknowledge how frustrating the political process can be at times, and we will always be first in line to denounce harmful rhetoric and take politicians to task publicly in defense of law enforcement. I didn't understand as a law enforcement officer in Passaic how important a seat at the table is for our membership. Looking back, I completely understand now why Rob Nixon, our director of government affairs, repeated this important saying over the years: "If you're not at the table, you're on the menu."

Choosing the right table gets us the seat we need to keep pushing for policy and legislation that improve the lives of each of our members and their families.

Happy New Year! Stay safe and look out for each other. Here's to believing that 2021 will be better a better year for all of us. In closing, I would like to extend our condolences to the family of State Corrections Local 105 member Vincent Butler, who was lost in the line of duty earlier in January due to COVID-19.

THE 411: Fundraisers and Fun

Feb. 2

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Check www.njspba.com or call 732-636-8860 for meeting location and information

April 17

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April 20

NJSPBA State Meeting

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April 20–22

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May 17

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May 18

NJ Law Enforcement Memorial Service CE

The Great Auditorium
21 Pilgrim Pathway, Ocean Grove

May 21–23

Snow Bowl for Special Olympics

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1 MetLife Stadium Drive
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June 29–30

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July 27

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Sept. 14

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Oct. 19–27

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Nov. 16

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Dec. 7

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Left to Right: **EVAN BAIRD, MD**, Assistant Clinical Professor, Mount Sinai Medical Center;
RAFAEL LEVIN, M.D., M.S.C., Chief of Spine, HackensackUMC at Pascack Valley;
JONATHAN LESTER, M.D., Physical Medicine and Rehabilitation;
NOMAAN ASHRAF, M.D., M.B.A., Assistant Clinical Professor, Mount Sinai Medical Center

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Looking ahead in 2021



ROB NIXON

As the calendar turned a page into a new year, it is likely most people woke up on Jan. 1 thinking that 2021 couldn't be any worse than the awful 2020.

But less than a week passed before the country was shocked when an angry mob stormed the U.S. Capitol. The nation still struggles with the scourge of the coronavirus protocols and lockdowns. There is uncertainty all around and genuine fear for what could unfold in the weeks and months ahead. It reminds us that there is no substitute for stability, health and peace of mind.

To that end, the NJ State PBA must remain focused on what is best for its members: stability, health and peace of mind. As we have said many times over the years, everything that touches upon your duties as a law enforcement officer is in some way impacted by an elected official or government agency. From the laws you enforce to the benefits in your paycheck, what happens in Congress, the state legislature and town halls impacts you throughout your career and into retirement.

As we focus our attention on our legislative agenda for 2020, the PBA remains focused on that. We are currently in the middle of a legislative session that technically doesn't end until early January 2022. But this will also not be a normal year in Trenton. For one, legislative hearings are still being conducted through Zoom, and in-person lobbying in the State House remains on hold. In addition, committees are still not meeting regularly. And on top of everything else, we are dealing with 2021 being an election year in which the governor, state senators and Assembly reps will all be facing the voters in November.

If the calendar remains consistent from prior election years, the Senate and Assembly will meet until mid-March, take a brief recess in April, return in May and June to pass the state budget and then go on an extended recess over the summer and into the fall. I do not expect the legislature to vanish in the months preceding the election, though, and if Zoom meetings are still the norm, it would not be unexpected to see a plethora of committee

actions and votes prior to the November election.

We will have plenty of time in the months ahead to review what is at stake in the November elections, the candidates, and how the election will be conducted. In the meantime, the NJSPBA has a legislative agenda to fulfill.

First, we are passionately lobbying for the Assembly to pass the "20 and Out" bill (S1017). The bill passed the Senate unanimously in December. Its time has come, and we have had numerous discussions with Assembly leaders about prioritizing the bill early this year.

Secondly, the PBA has been the leading voice for many years in demanding that the legislature formally abolish ticket quotas and the use of tickets to "evaluate" police officer performance. We testified in December, opposing the use of tickets to punish, shame or manipulate officers to raise revenue. Fortunately, the Senate listened to us and recently passed our ticket quota ban bill (S1322). We will be working to have the bill heard by the Assembly Law and Public Safety Committee as well.

We are also carefully monitoring other bills that could impact law enforcement. These include Senate Bill 1 regarding shared services, legislative concepts to establish a licensing procedure for law enforcement officers, bills to make changes to civil service and dozens more.

One of the images that stands out from the attack at the Capitol is the law enforcement officers calmly guarding doors while hundreds of rioters pressed into them, shouting, punching and trying to access the building. It was yet another reminder that people around the nation seem to forget that above all else, law enforcement officers are heroes who would risk their lives in the face of danger at any moment. We shouldn't need a riot at the Capitol, a 9/11 attack or yet another death of an officer at the hands of a murderer or a disease to appreciate that.

The State PBA is dedicated to reminding our elected officials of that. What we do in Trenton begins and ends with a simple premise – that we will always fight for the officers who protect our families and our communities. In good times and in bad.



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COVID-19: The second wave and the Blue Line

We are aware of the importance of quality representation for officers who have become sick or injured in the performance of their duties. This becomes more critical with the COVID-19 pandemic and the increased risks faced by law enforcement officers who are on the front line. To ensure this critical need is met, we are pleased to announce that our firm has joined forces with the firm of Rothenberg, Rubenstein, Berliner & Shinrod LLC to provide quality representation for officers in workers' compensation, personal injury and disability matters. The following overview of compensation issues was prepared in conjunction with Rick Rubenstein of that firm.

A great deal has been written about legal and labor issues and the coronavirus pandemic since its inception. The first wave of COVID-19 struck first responders particularly hard, and early modes of testing and treatment gave sub-optimal results. There are hundreds of New Jersey law enforcement officers, corrections officers and firefighters afflicted with post-COVID pulmonary, cardiac and neurological residuals. Physicians were slow to test for and treat these conditions through the workers' compensation system, and, overwhelmed by the volume of patients, let many symptoms slip through the cracks.

The flaws in the medical treatment system provided through workers' compensation were laid bare by this pandemic. Many public employees live far from their workstations. Hudson County first responders live as far away as Monmouth, Ocean and Burlington Counties. When their departments belatedly accepted their COVID-19 claims, third-party administrators were insensitive to distance. A Hudson County law enforcement officer who might live in Manasquan was forced, during a period



of disability, to travel to Edgewater to be tested or examined for COVID-19 by a clinic, only to return home, two hours away, to await results. When the results were finally analyzed, referrals to equally distant and inconvenient specialists and labs were handled by medical vendors from out of state, who chose venues off an antiquated list. We are aware of several officers who were given the names of retired physicians, labs that did not perform the designated tests and remote-working adjusters who were not available to correct the errors. In short, officers who were seriously ill were sent on a merry-go-round of medical adventures. The worst part: it was all according to the statute.

N.J.S.A. 34:15-15 mandates that an employer furnish medical treatment which is necessary to cure and alleviate conditions caused by workplace injuries and occupational diseases. In more than 110 years of jurisprudence, not a single decided case in New Jersey guides insurance adjusters or injured workers as to what distance must be traveled to receive medical care. Theoretically, an injured worker living in Vernon and serving on a police force in Park Ridge could be sent to Cape May for orthopedic or neurological care, and he or she would have to seek the intervention of the court to argue inconvenience. To make matters even more aggravating, New Jersey does not provide for reimbursement for transportation. In practical terms, law enforcement officers who were denied adequate, convenient medical treatment would have to file a claim petition with the Division of Workers' Compensation through counsel, swear out an affidavit explaining why they should not have to drive three hours for medical treatment, wait 30 days for a hearing, and then prove why inconvenience and expense violates Section 15 of the workers' comp laws.

Worse yet, N.J.S.A. 34:15-19 requires an injured or ill worker to appear “as often as is reasonable” for examination to determine the status of their disability, with no location or guideline as to what is reasonable. The only choice, if you can believe it, under the statute, is that if you choose to be examined by a physician of your own gender, that must be respected by your employer and its insurance company. As the second wave of COVID-19 rages in New Jersey, remember that early and wise counsel from a certified workers’ compensation attorney can cut through the red tape and get you the benefits to which you are entitled.

The shutdown of facilities and the limitation of physicians’ offices regarding staff and patient capacity have only magnified the deficiencies and inequities in the workers’ compensation system. But now that vaccines are available, front-line workers and first responders are among their primary beneficiaries. There also have been developments in workers’ compensation law to address the impact of COVID on law enforcement. Under Chapter 84 (enacted in September 2020 but retroactive to March 2020), members or employees of a police department or correctional facility are entitled to a “rebuttable presumption” that they are entitled to workers’ comp benefits if they contract COVID while working during a public health emergency. (N.J.S.A. 34:15-31.11 and 31.12)

This essentially means that an eligible officer does not have the burden to prove that he or she contracted COVID on the job. Instead, it is the employer’s burden to prove that it did not happen. Chapter 84 also makes the outcome of a COVID-19 virus the legal basis for an accidental or ordinary disability pension, in addition to workers’ comp benefits and other benefits provided by law to employees who suffer injury or illness in the course of their employment.

A law enacted prior to the COVID pandemic, and in response

to health issues arising out of 9/11, may also impact the COVID pandemic. Under the 2018 “Thomas P. Canzanella Twenty-First Century First Responders Act,” certain “public safety workers” are entitled to a presumption of entitlement to workers’ comp benefits if they become ill as a result of a vaccination given as part of an employer’s vaccination program during an epidemic. A “public safety worker” is defined as “...a member, employee, or officer of a paid, partially-paid or volunteer fire or police department, force, company or district...” As is true with Chapter 84, the employer has the burden to prove that an employee did not become ill as a result of a COVID vaccination given on the job. In short, the act provides workers’ compensation benefits for any first responder who sustains any negative medical outcome from the administration of a mandated vaccine, including medical benefits, temporary total disability benefits and permanency benefits.

Officers who have been denied workers’ comp benefits in situations in which they believe they are eligible under laws such as Chapter 84 or the Canzanella Act should immediately consult with a certified workers’ compensation attorney, who will be able to assist in obtaining benefits for those eligible under these laws. We are, of course, available to provide that assistance if requested.

While the inconveniences and nuances built into the workers’ compensation system can be complicated and complex, aggressive advocacy by your attorney, and the cooperation of your employer when available, can resolve these issues. Judges of workers’ compensation are available to remotely conference these issues, and an experienced lawyer familiar with the judge, the dynamics of the system and the available physicians can rectify problems in obtaining medical treatment through pressure, persuasion and timely filings.

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Tier 2 and Tier 3 2021 Social Security maximum compensation limit for the Defined Contribution Retirement Plan



PETER
ANDREYEV

As many of you are aware, our Tier 2 and Tier 3 members of the PFRS have compensation limits placed on their PFRS pension. Due to these limits — also known as the Social Security maximum wage — once they passed the wage limit, they have the option to enroll into the Defined Contribution Retirement Program (DCRP).

What is the DCRP? It's a defined contribution plan that provides Tier 2 and Tier 3 members with a tax-sheltered retirement benefit, along with life insurance. The DCRP is a tax-deferred investment account that has been established through Prudential Financial, which administers the DCRP's investments with the Division of Pensions.

Tier 2 and Tier 3 members who are already enrolled into the PFRS have the option to enroll into the DCRP if they exceed the maximum pensionable compensation limit. The maximum compensation limit for 2021 has been set at \$142,800. This amount has increased by \$5,100 from 2020's maximum compensation limit of \$137,700.

How will you know when to enroll? Eligible Tier 2 and Tier 3 members should sign up when their annual salary has exceeded the maximum compensation limit of \$142,800 for 2021. You may need to discuss enrollment with your employer's human resources clerk or finance clerk to start the process, because there is a form you will need to complete. As a Tier 2 or Tier 3 member, it is important to join the DCRP as soon as you know when you go over the maximum compensation limit so the DCRP account can be set up before you are required to contribute your money. Contributions are required from the date of DCRP eligibility. If any back deductions are owed, employers must plan to get those back deductions and send them to the DCRP. In other words, your employer will need to take more deductions from your check, and you do not want to be in the position to have back deductions owed to the fund or have any issues with your money that will be directed to the DCRP. If you can set up the DCRP account before you go over the maximum wage limit, that would be beneficial to you and your employer.

What does this mean for Tier 2 and Tier 3 members? If an eligible tier member has a salary that is more than this year's (2021) maximum wage of \$142,800, the money that is in excess can be directed to the DCRP account. For example, if an eligible tier member is promoted and the salary of the new rank is \$152,800, then the \$10,000 that is over the maximum limit is placed into the DCRP. That member will then pay a contribution of 5.5 percent on that \$10,000, the employer would also pay a contribution of 3 percent on that same \$10,000 and all that money will go into the DCRP.

As a Tier 2 or Tier 3 member, continuing with the same example, if your salary is \$152,800, you will pay 10 percent on \$142,800 to the PFRS and then 5.5 percent on the \$10,000. The town will pay 3 percent on that same \$10,000 to the DCRP.

While you are an employed member of the PFRS and enrolled into the DCRP, you are also eligible for life insurance coverage through the DCRP. You are covered for 1.5 times the annual base salary on which your DCRP contributions are based. This coverage is available to members under the age of 60 without a medical exam. If you are over 60 and newly enrolled into the DCRP, you will be required to get a medical exam to qualify for the benefit.

Enrollment into the DCRP is voluntary. If you choose not to enroll, you will need to complete and submit the waiver of enrollment form to the Division of Pensions.

If you have any further questions regarding the DCRP, please email or call me at the State PBA office.



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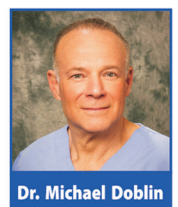


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Continuing health benefits into retirement

When it comes to retiree health benefits, I have learned over time that in New Jersey, the scenarios are like snowflakes: No two government entities are alike. It has become progressively worse over time, as bargaining units have also negotiated different plans, premium contributions and dependent coverage. This is why it is often impossible for me to give "cookie-cutter" answers when delegates ask me questions.

We have seen a steady stream of enrollment issues recently, and I wanted to take the opportunity to let our members know what they should be looking for so they can make the educated decisions that are in the best interest of their families.

I'll address the members who are in plans that are not in the State Health Benefits Plan first, mainly because it's pretty easy: Read your contract and plan document. Your contract will tell you when you are covered and when you aren't. Check to see if and how your spouse and children are covered before and after your demise.

For SHBP members, it becomes a little more complicated. Because the SHBP is governed by laws, they may have regulations that may directly conflict with your contract. The State Health Benefits Commission has not been a friend to us in allowing members and families to access their earned retirement benefits.

Arbitrarily, the commission has decided to start enforcing a regulation that requires dependents to be enrolled in the SHBP on

the date of retirement in order to continue coverage. This regulation predates S2 from 2010, which undermined collective bargaining and took away benefits from married couples, as it forced them to go onto one of the member's plans or the other's. Prior to that, there was cross-enrollment, and at retirement, plan choice was moot. The commission's position is that if a dependent is not enrolled in the SHBP at the time of retirement, they cannot continue coverage.

Another situation that occurs is the continuation of health benefits after the retiree dies. Simply put, the deceased member's spouse and dependents may continue in a self-pay scenario if the contract did not provide for continuation of health benefits for the family. If the contract does provide for continuation of health benefits for the family, there is no prohibition against the municipality absorbing the costs so they can fulfill their obligation under the contract.

The fact of the matter is, in current cases, the commission is making an arbitrary decision that will ultimately force the retirees into suing the municipalities because they are the responsible party when it comes to providing the earned benefits in the contract.

As you approach retirement, please make sure that you have an affirmation that your dependents will be enrolled in the SHBP, and for those not in the SHBP, this is one of the times you are better off.

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Book recommendations for 2021



MICHAEL FREEMAN

Every January, I normally give a preview of the NJSPBA Collective Bargaining Seminar that is held at Harrah's Resort in Atlantic City every February. Since that was scheduled in 2020, of course, everything about it had to change. The seminar has been postponed but will be retooled to address the many new issues that arose in the past 10 months. We will begin the three-day seminar on April 20 at Harrah's. Registration is open now, so you can reserve in advance.

Since I still must fill this space with insightful and witty commentary about labor relations, I've been searching for a topic that is timely and interesting. Finally, I realized that there is nothing more enjoyable about labor than time off from working. For 10 years, my beloved New York Jets have graciously allowed me extra time to forget about football until the draft in April. That is the same month that the New York Yankees embark on their quest for another World Series Championship. Until then, most of my leisure time will be spent reading, so I've decided to make some recommendations of books that were recently published.

The events of 2020 were utterly depressing to most people. I was not immune to the pressures that everyone faced. Even though work kept me busy, I realized that I hadn't built anything all year. The Where Angels Play Foundation had scheduled three playgrounds and a return to Puerto Rico with the "Angel's Army" to rebuild a house, which were all canceled. The playgrounds that the organization builds are dedicated to an "Angel" to be used by children in that Angel's community. The summary of one build can be found in the May 2019 issue of *NJ Cops Magazine*, but for the full story you should read Bill Lavin's first book, "Where Angels Live, Work and Play." This fall, he released his second book titled "The Starfish from Africa: The Story of Yannick Kabuguza and the Power of Forgiveness." The book addresses the view afforded those who find the strength to stand in the shoes of an adversary, and the understanding that immediately follows.

In the Land of a Thousand Hills

A young boy endures the worst form of hate and violence during and after the Rwandan Genocide. His amazing courage, persistence and ultimately his ability to forgive is what saves him.

With the help of the Angels and some grateful American humanitarians, a life is transformed from tragedy to triumph...

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His story is riveting. Although he was a fire captain and union president, William H. Lavin is now a first-rate author. He relates Yannick's account of his early life to the reader, then puts it into a perspective from his own view that the reader can easily relate to. At the end of the book, in a chapter titled "Sweet Land of Liberty of Thee I Sing," Lavin laments the events of 2020 that Yannick is exposed to as a "new American,"

a survivor who found refuge in the U.S. Bill is a fiercely proud and loyal American. With insight that he gained from his relationship with Yannick, he said, "I realized that the America, being reported on the television channels, is what I was ashamed of — not the America I actually live in every day." Both books are available from whereangelsplayfoundation.org.

In the wake of the murder of George Floyd and the calls for social justice that swept the country, there were a plethora of books written on race relations. The author that I found most profound is not really an author at all. He's an analyst on Fox Sports 1 and former NFL linebacker: Emmanuel Acho, who happens to have a master's degree in sociology and an innate ability to connect to everyone he encounters. His book, "Uncomfortable Conversations with a Black Man," is the product of several impromptu YouTube videos that he posted in an attempt to bridge the gap of misunderstanding as he saw it on display this past summer. In the ninth episode of the videos, Acho sits down with police officers from the Petaluma Police Department in California. They discuss polarizing topics like defunding the police, Black Lives Matter and accountability in the police force surrounding the tragic deaths of black civilians. The conversation was honest and admittedly the first of its kind that some of the officers had ever had. They left expressing a need for more. The book and the videos can be found at uncomfortableconvo.com.

Although I call it leisure reading, I anxiously awaited the eighth edition of Will Aitchison's "The Rights of Law Enforcement Officers." Aitchison is a police and fire labor attorney on the West Coast and founder of the Labor Relations Information System (LRIS) website, which I also recommend for subscription. This edition, the first since 2015, adds commentary to case law and arbitration decisions from all over the country but produces it so it does not read like a law journal. It's a great book. New chapters cover the Brady rule; bodycams; social media; and privacy rights in medical, disciplinary and communications as they pertain to police employment. It's 600 pages, so if you don't feel you can dedicate the time to reading all of it, you can take a trip to Vegas for the LRIS Law Enforcement Rights Seminar in June. For the book and seminar details, go to lris.com.

Finally, while it's not a new release, I should recommend a book that explains why I have my winters free from the distraction of NBA basketball. Beginning in 1998, my interest has waned to the point of complete disinterest. Without disparaging LeBron James, Kevin Durant or Steph Curry, I must declare that Michael Jordan was greater than all of them combined because of his impact on American and international culture. Much of that is chronicled in several books by this magazine's publisher and editor, Mitchell Krugel. His best was "Jordan: The Man, His Words, His Life." Since Jordan's retirement, I haven't been able to duplicate the thrill of watching absolute greatness on a court that imbued everyone else with their own respective greatness. All of Krugel's books are available on Amazon. You can even catch a glimpse of a younger Mitchell on the court with Michael Jordan in the ESPN documentary "The Last Dance."



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Reforms begin at the top



BRIAN
DAWE

Every correctional facility is a reflection of the administration that runs it. Officers do not set policy; we follow it. We do not decide the rules; we enforce them. We do not determine staffing levels; the agency does. We do not do background checks or pre-employment psych screening; that's the departments' responsibility. We do not decide guilt or innocence or who comes through those doors; that's up to the police and the judge and jury. We do not design programs or educational opportunities; we provide security so they can run smoothly. We are given orders to follow and face termination

if we don't follow them. We are rarely asked for our opinions, so don't blame us. You want reform — it starts at the top.

Laying the blame for a failed correctional system at the feet of the officers is like blaming the orchestra for the sinking of the "Titanic" — like them, we just play on. The fact is that most administrators like things just the way they are. They have been allowed to operate in what in essence has become a vacuum, without any metrics to evaluate success and without any consequences for failure. They refuse to answer FOIAs and resist virtually all attempts at transparency. They understaff and whine about overtime budgets but refuse to embrace mini-

mum staffing levels. They distort staffing ratios, misleading the public and politicians into the belief that it's only 5 to 1, rather than the real numbers we labor under.

They demand and preach respect, yet when an inmate assaults staff with bodily fluids, fewer than half the agencies even prosecute. They tell us, "It's part of the job." It's only a part of the job because the administration refuses to act. A recent informal Facebook survey of COs in 24 states found that nearly 55 percent of the time, the inmate was not prosecuted. Despite being in one of the most high-risk environments for communicable disease in the world, only 38 percent of the inmates committing the assaults were tested.

When inmates expose themselves, sexually threaten staff and our families or display sexually deviant behavior, knowing the opposite gender is patrolling the living area, management often shrugs it off. These types of dignity assaults can have a long-lasting effect on all staff, not just those assaulted. Assaults of a sexual nature can be decreased by prosecuting the inmate and charging them with a sex crime, forcing them to register as a sex offender. However, administrations across the country rarely, if ever, seek to prosecute these assaults.

Our PTSD rate is 31 percent. Our suicide, divorce and sub-

CONTINUED ON PAGE 22

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DAWE CONTINUED FROM PAGE 21

stance abuse rates are higher than all other first responders. You would think that when a third of your officers are coming to work stressed out and clinically depressed, that you would seek solutions. Yet a study by the ACA of more than 5,000 prisons and jails in the U.S. found that only about 400 had Employee Assistance Programs. If levels of PTSD of staff are over 30 percent, one wonders what level of PTSD the inmate population is at, and what's the outcome of such a volatile mix?

We are faced with inconsistent training and a management style that leaves us out of any discussions on policy changes being considered, even though we will be left to implement and enforce them. In most jurisdictions, they've abandoned roll call and send us inside with little advance knowledge of the facilities climate. We're faceless names on a roster, easily replaced and quickly forgotten.

Correctional officers come to our jobs as blank slates. What we become and how we do our jobs is a direct reflection of the administration. We want reforms, too, as we currently have a 31 percent PTSD rate, three officer suicides a week, a life expectancy 20 years shorter than the average citizen, divorce, alcoholism, dignity assaults, zero recognition or respect, understaffing, forced overtime. If you are going to reform the system, you have to start by first reinventing management and the way they think, and second by making certain that the men and women who actually do the job have a seat at the table, or there will be no real reform.

The administration sets the mood and the tone for the facility. New cadets come to these jobs knowing only what they've seen in prison movies. They quickly realize how wrong those depictions are.

One of the things we can agree with the reformers about is poor management. Multiple studies show that the biggest source of staff stress is the administration, not the inmates. We can also agree that decreasing violence behind the walls benefits us all and that the strain on everyone's mental health in our environment takes a tremendous toll. The reformers want more programs, more educational opportunities. Give us enough staff to secure those programs, and it's not an issue. The more time the inmates stay occupied, the fewer problems we have.

All of this is well and good, but it ain't worth feathers on a hog if the administration doesn't see its role in a failing system. Until administrators are retrained, we're just following orders. There is room to talk about reform, and a lot of the changes we would like to see would benefit everyone working and living behind the walls. However, in corrections, it all begins and ends at the top. Start there.

Brian Dawe started his career in corrections as a Massachusetts state correctional officer in 1982. He is currently the national director for One Voice United, founder of the American Correctional Officer Intelligence Network and serves on the One Voice United National Medal of Honor Committee. He can be reached at brian@onevoiceunited.org.



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NAPOO president releases statement in response to riots at the Capitol

On Jan. 7, NAPOO released the following statement from President Mick McHale:

On behalf of the National Association of Police Organizations (NAPOO), I want to recognize the dedication and service of the U.S. Capitol Police and the other state, local and federal law enforcement agencies who responded to the riot and violence at the U.S. Capitol on Jan. 6.

We recognize and acknowledge that there are great political divides in our nation. As law enforcement officers, the first law we are sworn to uphold is the Constitution of the United States. And we strive to protect all the rights contained therein, including First Amendment rights. At the same time, mass protests regarding controversial issues present an extremely volatile situation, and the deliberate and provocative acts of a few can swiftly turn what was a relatively peaceful assembly into a dangerous and violent mob.

Officers, in fact, put their own safety at risk in protecting the legitimate First Amendment rights of protesters, even those protesters who vilify and despise the police. They also risk their own safety in restoring public order and welfare when it is threatened by violent criminals, regardless of the political motivations or beliefs of the individual persons involved.

When elected politicians seek to substitute their own judgment for that of experienced officers, regarding the dangerousness of mobs and how swiftly a situation can spiral out of control, the result can often be greater danger to public safety, and an increase in physical harm as well as damage to property



and institutions. One example of this is the removal of "tools from the toolbox" that officers may need to protect themselves and the public in riotous situations. These tools may include teargas or other irritants, less-lethal projectiles, and even items such as helmets and shields. When the legitimate availability of these tools to officers is foreclosed at the front end, the predictable result is that demonstrations that might have remained relatively peaceful, or at least less violent, quickly escalate to destructive violence.

The great harm here is that officers are sometimes placed in a situation where, having been stripped of legitimate less-forceful means of maintaining and restoring order, they find themselves approaching a situation where they are forced to choose between no force at all and deadly force, because the intermediate use-of-force tools have been restricted or prohibited. This situation clearly risks great harm, destruction and even death, that might otherwise have been prevented. In cities across the country, the dissatisfaction with police response to sometimes violent protests during the summer has led to the deliberate disengagement or "standing down" of officers and the banning of vital de-escalation tools.

NAPOO priorities: 116th Congress Review

The 116th Congress (2019-2021) was very successful for NAPOO. As the 117th begins, we highlight the legislative wins and achievements accomplished over the past two years.

NAPOO priority legislation signed into law

- Never Forget the Heroes: James Zadroga, Ray Pfeifer and



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Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act. It reauthorizes the fund through fiscal 2090 to compensate first responders and other individuals with health conditions caused by toxin exposure due the 9/11 attacks — including the reimbursement of any claims previously reduced due to insufficient funds.

- Repeal of the “Cadillac Tax.” The Fiscal 2020 Consolidated Appropriations Act, H.R. 1865, permanently repealed the 40 percent excise tax on employer-sponsored health plans scheduled for 2022.
- Supporting and Treating Officers in Crisis (STOIC) Act. It reauthorizes a Department of Justice (DOJ) grant program for law enforcement officer family-support services that expired in 2000 and was last funded in 2005. The act will expand eligible uses to address the mental-health needs of law enforcement officers. Grant recipients may use funds to establish suicide-prevention programs and to support officers experiencing mental-health issues.
- Bulletproof Vest Partnership Grant Program Permanent Reauthorization. It permanently authorizes — up to \$30 million per year — the DOJ’s matching grant program that helps law enforcement organizations purchase bullet-resistant vests.
- Safeguarding America’s First Responders Act. It establishes a presumption under the Public Safety Officers’ Benefits (PSOB) program that an officer’s death or disability due to contracting COVID-19 is in the line of duty.
- Law Enforcement Suicide Data Collection Act. Requires the DOJ to establish a program to collect confidential data at the local, state and federal levels.
- Debbie Smith Reauthorization Act. It reauthorizes grants that support state and local efforts to process DNA evidence in rape kits, including grants to provide DNA training and education for law enforcement personnel, corrections personnel and court officers.
- Don’t Break Up the T-Band Act. It repeals the auction of the 470-512 MHz (T-Band) that was mandated by the Middle Class Tax Relief and Job Creation Act of 2012. This allows public safety licensees to remain on the T-Band spectrum, ensuring that first responders nationwide have access to advanced communications capability.

NAPO priority legislation passed by the House or Senate

- Protecting America’s First Responders Act. This bill would ease the strict requirements for disabled officers to qualify for PSOB disability benefits, so officers who are catastrophically injured in the line of duty, but can still work, would qualify. It also ensures that beneficiaries receive the highest award amount possible and provides education assistance for all children of public safety officers disabled or killed in the line of duty.
- Rehabilitation for Multiemployer Pensions Act. This bill would create a Pension Rehabilitation Trust Fund and establish an administration within the Treasury Department to make loans to failing multiemployer defined benefit plans.
- Restoring Tax Fairness for States and Localities Act. This legislation would repeal the cap on state and local tax (SALT) deduction for two years (2020 and 2021) and would reinstate above-the-line deductions for some out-of-pocket expenses for first responders.
- COPS Counseling Act. This bill would implement confidentiality standards for peer support counseling programs and directs the attorney general to report on best practices.

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Response Time

A conversation with a prominent NJ State PBA member

This month

State Campus Police Local 278 State Delegate William Comerro

The Vitals

- Born and raised in Hawthorne
- Hired by Montclair State Campus Police in 2006
- Married to Betty
- Father to William Jr. and Mia
- K-9 officer for 14 years
- Named to NJSPBA Executive Board in November 2020
- Co-chair of the Collective Bargaining Committee since 2018
- Member of the convention committee, shield committee, membership committee and political action committee

First Response

Can you explain to members about the importance of being co-chair of the Collective Bargaining Committee?

This is my third year as co-chair, and I'm looking forward to helping Mike Freeman make it the best Collective Bargaining Seminar it can be. It's about teaching the guys how to negotiate their contract and networking so that if somebody has a problem, they can pick up the phone and make a call to help them out.

Conversation pieces

Have you always wanted to be a law enforcement officer?

I've always hated drugs and wanted to be in the DEA when I grew up and I graduated summa cum laude from John Jay College of Criminal Justice, which is my proudest moment. My concentration was search and seizure because I loved studying it and how different it could be. For a while, I was considering going the law school route, but then realized I don't want to sit behind a desk. After finishing the police academy, I joined Montclair State Campus Police right off the bat. I was doing a ton of arrests and motor vehicle stops when I was given the opportunity to teach search and seizure and become a K-9 handler.

What is it like to be a K-9 officer?

I grew up with a great Dane mix, so I have always liked dogs and have experience with them. I train K-9 officers and their partners. I have been a handler for around 14 years, and right now I have two dogs, a brand-new bomb dog, Titan, and drug-sniffing dog, Blue. I get 12 to 14 weeks to train a dog. To put it very simply, I use a towel method to train them, where I put gun powder in a towel to absorb the odor, throw the towel, have them fetch it back and play tug of war so that they can associate the smell. Eventually, I hide the toy, give the command and Mother Nature takes over.

Last Response

What's your favorite part about being a PBA member?

The members. It's like a family. Getting together with the members, whether mine or other Locals, and just talking. We all miss each other right now. We do Zoom meetings together, just to kind of have a meeting environment. We have socially distanced hangouts at a member's garage. We're all cool with each other and there's no backstabbing because we're all kind of the same mold. You ask anybody who's leaving the State Delegate position, and they're going to tell you, "The one thing I'm going to miss are all of you. Not the officers in the department. You!"



State Campus Police Local 278 State Delegate William Comerro with K-9's he has trained.

William Comerro's List

Our member of the month shares some of his favorite things

On-the-Job Training
Search and seizure

Food
Steak

Hobby
Collecting bourbon and riding my motorcycle (2015 Indian)

Movie
Aliens

Gift
An Eddie Bauer bomber coat my wife got me when we were dating

Nickname
Billy Bluetooth because I have a Bluetooth in my ear at all times

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Tyron Franklin Jr. (center), son of fallen Paterson Officer Tyron Franklin, pins his father's badge onto rookie Paterson Officer Bavennia Franklin (right) on Dec. 18. She shares the badge number of her slain brother, in a historic first for the department.

For You, My Brother

Newly sworn Paterson officer Bavennia Franklin carries on the legacy of her fallen brother, Tyron, as she takes on the unprecedented distinction of wearing his badge number

■ BY KAREN JENKINS

"Oh my gosh, it's my brother," Bavennia Franklin thought. "Those are his eyelashes."

The lights of City Hall glittered around Bavennia, reporters swarmed in the back and a cacophony of cellphone camera clicks echoed in an otherwise silent room. But the new recruit's attention zeroed in on the long, dark and curled lashes of her 15-year-old nephew, Tyron Franklin Jr.

She read in his eyes the story of a life cut too short.

He pinned her badge onto her blouse – just like they had practiced in the hallway before the ceremony – blinking his lashes with intense focus.

The young boy is a feature-by-feature representation of his father, Tyron Franklin, a Paterson Local 1 member who was fatally shot in the line of duty on Jan. 7, 2007, at the age of 23. Tyron Franklin was Bavennia's older, and only, brother.

"I was looking at his face and seeing my brother, his features in him," Franklin recalled about watching her nephew at her badge ceremony on Dec. 18. "I was seeing

my brother through him in a sense."

Badge number 4637 was secured onto 28-year-old Franklin's shirt. Her eyes immediately became hot with tears. She's always felt close to her fallen brother, but at that moment, she once again felt him standing beside her.

When Bavennia now steps out in uniform, she is forever adorned with her brother's badge number. The ceremony marked the first time Paterson has reassigned a badge previously worn by another officer.

Her new badge is a confirmation of the hours of physical, emotional and mental hard work it took to get there.

"Every time I felt like I couldn't do it anymore or I was going to give up, I kept thinking about that moment of being presented with that badge," she shared about the grueling past five months at Bergen County Police Academy. "I never thought in the past that I could do it, and I did it. I felt like [my brother] was there with me."

The badge ceremony was an honor to Bavennia as well as an appropriate and immense response further honoring the legacy of her brother Tyron.

His death was the impetus for the NJ Cop Shot program, in which the NJSPBA offers a \$20,000 reward for information leading to the arrest and conviction of suspects involved in a shooting, stabbing, assault or other attack on police officers. Since its inception, NJ Cop Shot has put out hefty monetary rewards of nearly a half-million dollars in nearly 20 cases of law enforcement officers being attacked.

NJ Cop Shot is one more piece of Tyron's unbelievable legacy of an officer who was a rookie at the time of his passing. Between his son's familiar eyelashes blinking at Bavennia daily and feeling Tyron's presence in the badge, she is equipped with a guardian as Paterson's newest officer.

"It's an eerie, good feeling – you normally hear about bad families, but they're a good family," affirmed NJSPBA Executive Vice President Marc Kovar, who was part of the team that developed the NJ Cop Shot program in 2007. "He's watching out for his sister. Hopefully she makes her 30-year career and he'll be the angel on her shoulder."

CONTINUED ON PAGE 30

Community-minded people

Public service runs in Bavennia's blood. She was born in Marion, South Carolina, and comes from a tight-knit family of four: Her father, Larry Franklin, her mother, Belinda Howard, Tyron and herself. The family moved to Paterson, where both her parents are originally from, when Bavennia was 1 year old. After living there for three years, they ultimately settled in Westwood.

Her father, Larry, is a retired firefighter who served in Paterson for most of his career and climbed the ranks as the first black fire captain in the town.

Paterson Police Director Jerry Speziale has known the family for years and confirmed that Bavennia's upbringing of public servitude laid the foundation for the officer she is becoming.

"They're community-minded people," Speziale expressed. "I think it's a family trait, but [Bavennia] is an extraordinary individual that's truly talented, working with the community and understanding and building relationships on trust."

Bavennia's close-knit family is the prevailing memory of her childhood. Tyron was her protector. Tyron was her adviser. Tyron was her confidant. But most of all, Tyron was one of her closest friends.

With an eight-year age gap between the two, it'd be easy for him to brush off his younger sister. But he never did, she quickly countered.

"Even though I would be so annoying, he would always accept me," she laughed. "Even at that age – he was older – usually someone would be like, 'Get out of here,' want to push you away. But he would let me come in and play with his stuff."

When he started the academy in October 2005, 13-year-old Bavennia would run to her older brother before he even had one foot in the door to ask him about his day: "How was it?! What'd you do?!" she reminisced.

Tyron, who was 22 at the time, would sit beside her in the living room and gesture wildly about the dozens of miles he had run and the hundreds of push-ups he had done. Bavennia would lean in to listen, perched on the edge of the couch.

He was so expressive, it was like watching a movie. He would bat his eyelashes, and his deep, brown eyes would dart back and forth – they were the eyes that Bavennia would never forget.

"The whole process, he loved it. He took the test, he loved the academy, he loved getting on the job," Bavennia expressed. "I thought it was impossible. I thought I couldn't do it, because it just is so challenging."

Tyron had been on the job with the Pat-



Bavennia Franklin stands with a portrait of her brother, Tyron Franklin, who was fatally shot in the line of duty on Jan. 7, 2007, at the age of 23.

erson Police Department for eight months on the evening of Jan. 6, 2007, when Bavennia invited two of her closest friends over for a movie night. The Franklin family's television had broken a couple of weeks before, so in its place, her dad had set up a projector with a big screen in the living room.

Tyron passively watched the movie with the girls for half an hour before standing up and saying he was going to leave but he'd be back later. The teenage girls quietly said goodbye, with their eyes still glued to the movie.

But Bavennia scrambled to get up.

"Wait, wait, wait," she said.

She ran to give her brother a hug, and he wrapped her up in his characteristic tight embrace.

"I love you," she said to Tyron. "Be safe."

Their mother gave him a hug goodbye and chatted for a moment, and with their father already asleep, Tyron headed out the door.

Still so strong

Bavennia felt the air leave her body.

Her limbs went heavy. She could barely hold her head up to look at the officers gathered at St. Joseph's University Medical Center in Paterson. When they went in to view the body in a small, fluorescently lit room, it didn't feel real.

"I remember still seeing him, and he looked just like him – I mean, you can see the wounds and everything – but I remember thinking he still is so strong," Bavennia declared. "Even in this moment of him being lifeless here, he's still sharp. He still conquered."

Officer Tyron Franklin was in a restaurant on Broadway near Madison Avenue in Paterson, off duty and in plainclothes, ordering food around 1 a.m. on Jan. 7,

2007, when a gang member entered and demanded money from him.

After a brief struggle, the man shot Tyron four times. A witness yelled that Tyron was an officer, and the attacker shot him another two times as he lay on the ground. The suspect fled the scene.

The Franklin family was called as soon as Tyron was transported to the hospital, but he had made the ultimate sacrifice at the scene. He was survived by his mother, father, sister, fiancée and 16-month-old son, Tyron Franklin Jr.

A crowd of law enforcement officers gathered at the hospital that early morning as well, including now-Lieutenant Jason Bernasconi and a number of other Local 1 members who had been in Tyron's academy class.

"I remember the exact phone call – I remember the exact day," Bernasconi shared through tears. "I got a voice message, and I remember the voice message said, 'Ty was shot.' We all went to the hospital, and he unfortunately had passed away."

The Franklin family was surrounded by endless support from law enforcement in the immediate aftermath. A sea of blue flooded Tyron's funeral, and gloominess hung in the air at the Paterson Police Department in the weeks following, Bernasconi explained.

And the NJSPBA was outraged. Tony Wieners, the NJSPBA president at the time, immediately reached out to the department and offered assistance after it was clear that the suspect would not be caught in the first few hours.

"The big thing is that we needed to send a message about coming after us," Wieners shared about the NJSPBA's role in the aftermath of Tyron's death. "We're go-

ing to do everything within our power to track you down and make sure you're held accountable for your actions."

From that moment forward, Wieners promised that the union would never be unprepared to track down anyone who shot an officer in New Jersey.

Kovar remembers the donations that began pouring in to help find Tyron's killer. The NJSPBA quickly developed the NJ Cop Shot program, which posts a \$20,000 reward for information leading to the arrest and conviction of suspects who have severely harmed a law enforcement officer in the state, regardless of union affiliation. The legacy of the program, still in place today, is directly traced back to Tyron.

Tyron's killer, 23-year-old Teddy Charlemagne, was arrested in Irvington on Jan. 16, 2007. On May 9, 2008, he was convicted of the murder and sentenced to 37 years in prison.

"To this day, whenever I see an NJ Cop Shot sticker on the back of a police car, there's this sense of pride of what the PBA did," Wieners expressed. "We offer a huge reward for anybody who's out there and tries to harm one of our officers. We put the bad guys in a position where they couldn't trust anybody."

Kovar is proud that the monetary reward has grown since NJ Cop Shot was



Tyron Franklin holds son Tyron Franklin Jr., who was 16 months old when his father passed away.

created, and that the program is extended to every agency and organization in the state to bring criminals to justice, not just PBA members.

"We stick together," Kovar affirmed. "No matter how bad it is or what the situation is, when times are the worst, that's when we're our best."

I know he's here

"He would be pushing me," 28-year-old Bavennia thought as she ran in formation at the Bergen County Police Academy this past July.

Every step and labored inhale conjured thoughts of how hard Bavennia had fought to be there:

A civilian job with the records division of the Paterson Police Department in 2016.

Packing up her life and moving to Paterson in 2019.

Hiring a personal trainer.

Studying and receiving a test score of 98.7 percent.

"Please, Lord, please, Ty," she thought, calling on both of them for strength as her calves stung and sweat dripped off her forehead.

She began to fall behind in the formation. One of her classmates came alongside her.

"You got this," she yelled to Bavennia. "He's there with you – keep thinking about that moment when you walk off the stage and graduate. You got this."

All of a sudden, Bavennia's lungs opened up. The aches melted away. Every step was a catapult forward, and she saw herself passing her classmates. Tyron was running beside her.

"I know he's here," Bavennia thought. "He's watching. Just show him, show him you can do it. He's helping me now."

Just like Tyron had motivated his own classmates in the academy – "You couldn't find a guy in better shape than him," Bernasconi shared – he was now the angel on Bavennia's shoulder. He helped her get through the dozens of miles and hundreds of push-ups that he had excitedly told her stories about 14 years ago.

CONTINUED ON PAGE 32



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And when she needed that extra nudge to get through just one more push-up, she would think about their shared recruit number, 22.

"I never thought that I could be someone like [Tyron], because he was so strong in my eyes," Bavennia declared. "I would be thinking about that, because I thought the push-ups were going to be the reason why I couldn't make it through the academy. But they were so easy for him."

Bavennia knew that if she could find just a fraction of Tyron's strength, she would be able to finish what he started in Paterson.

Carrying on the legacy

She secured her badge – number 4637 – put on her uniform and smoothed out her hair.

Bavennia had been up the night before praying that everything would go well, that she'd be able to take in all the information and that the people she came in contact with would be understanding.

She felt rested, and most of all, she felt ready. She kissed her husband, Daniel Marks, whom she married in October 2019.

With a deep breath, Bavennia walked out the door on Jan. 11 for her first day as a sworn officer with the Paterson Police Department.

"It felt like, 'OK, this is a nice start.' I know these days aren't going to be easy. They're going to be hard, but I'm up for that challenge," she relayed. "It gave me confirmation that I can do this job. You get little doubts that start creeping in, but I was like, 'Nope, it's OK.'"

On her first day, Bavennia parked in the department's lot and walked from her car into work, just like Tyron had more than a decade before. She was about to patrol the same streets he had patrolled, and it felt like she was in the right place.

"She chose to embrace the community and she chose to follow in those footsteps regardless of the danger, regardless of the pain and suffering that that family has gone through," Speziale expressed. "She's taken all that tragedy and pain and suffering and turned it into a positive. So the uniqueness of having her wear that badge and putting that badge into service, I believe in my heart that Tyron would want that."

And Bavennia has high goals. She wants to learn the laws, rules, regulations and procedures thoroughly so that she can elevate to sergeant, lieutenant "and who knows from there," she laughed. She wants to achieve exactly what she knows Tyron could have achieved and perhaps even more.

"She's taking the same badge number



as my dad and carrying on the legacy," relayed 15-year-old Tyron Franklin, Jr. "She's really confident. She worked hard for everything she wants, and she's a role model."

Bavennia is excited to embark on the new adventure in Paterson and become deeply engrained as a leader in the community. No matter what she encounters, Bavennia has an angel in uniform right beside her every single day.

She is finishing the story of a life cut too short.

"There's so much peace of mind knowing that when I looked down at every report I signed, I wrote his badge number," the officer confirmed. "If somebody asked me, I'm so proud to give it, because this is Ty's. He's got me covered. God's got me covered, and Ty's got me covered. I'm set."



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Mission Statements

NJSPBA President Pat Colligan and Executive Vice President Marc Kovar sat down with NJ Cops Magazine Publisher Mitchell Krugel to examine important topics and offer their well-informed, inspirational and even provocative takes to give members a state of the union.

Momentarily sequestered in the president's office at NJSPBA headquarters in Woodbridge, Pat Colligan and Marc Kovar have some time to contemplate life as union leaders and law enforcement officers. Normally, the PBA president and executive vice president do their contemplating in a more relaxed posture, but there has been very little cause to relax these past many months.

Instead, they partake of some Chick-fil-A that has been brought in for lunch. And they sit at the round table preparing to share nuggets of wisdom, empathy, explanation and motivation about putting 2020 in the past, the headlines they anticipate for 2021, the PBA's input to the new use-of-force policy and how they have handled the attorney general, pandemic-centric issues such as its effect on collective bargaining and the vaccine, the impact of a new administration in Washington, D.C., and how much they miss meetings, events and hanging out with members.

These are the conversation pieces your PBA president and executive vice president chewed on when considering the state of the union. As they have so often since taking the PBA reins nearly seven years ago, Colligan and Kovar lend a voice to what much of the membership is currently thinking.

"It's hard to look forward and avoid looking in the rearview mirror. That was a trying year," Colligan empathized. "But I keep saying that despite incredible circumstances, our members stood above it and did an incredible job considering we went into COVID with no knowledge of what it was going to do or what it could do to us. You can't answer emergency calls via Zoom. They did it, and they did it well."

As Kovar praises how members lived in their garages to avoid exposing their families to the virus and faced down insults, threats and frozen water bottles hurled at them by protestors, he lends his no-holds-barred articulation to the state of the union.

"I don't know what the proper word is, but kudos to all the women and men who went to work every day," he emphasized. "Where are all the accolades for that? We got kicked in the balls, and you didn't hear a word out of us. We just came to work every day. I just hope we can say this is a once-in-a-lifetime year."

This is the tone they bring to the state of the union. Read along topic by topic to get an unfiltered take about putting 2020 in the past and what's ahead for 2021.

The Topic: The protest rallies of 2020

The Take: *We enter 2021 stronger not just for what we endured but how we endured.*

Pat: In New Jersey, we had hundreds and hundreds of protests that all had the ability to turn bad for our members and for the community. Every single one of them, even the three or four that really came close, every single one of them was handled as professionally as it could possibly have been handled.

Marc: Our members got abused. I'm thinking places like Atlantic City, Asbury Park and Trenton.

Pat: Atlantic City responded to that despite being grossly understaffed, with mold in their helmets and poor equipment. But they still came back for the second and third one, after almost losing the line at the first riot. I'll call it a riot. When legislators are coming up with the new Atlantic City bill this year, I hope they look back and realize what a great job they did.

Marc: I'd say, yeah. If this didn't bring us together, nothing ever will. We did eight years of Chris Christie, and now we were hoping everything was going to be normal again. Then we get a pandemic and a national incident like that. You just pray that will never happen again.

Pat: I think we're stronger because of it. I say it all the time. We went from heroes to zeros in one afternoon. Nothing changed on our end. One officer decides to kneel on somebody's neck for 8 1/2 minutes and it shouldn't damn the rest of us. So I think despite the difficulties that we had and having this anti-law enforcement sentiment just makes us stronger. We're a resilient group.



The Topic: Headlines we'd like to see in 2021

The Take: *Good news.*

Pat: The vaccine has a 100 percent effectiveness rate... '20 and Out' is signed and we have some relief from Chapter 78... The economy is strong and therefore, our members get what they deserve.

Marc: Our nation comes back to one. These problems are not New Jersey issues. If these were New Jersey issues, I'd say yeah, we got to take this bull by the horns and get ahead of it. We don't have these issues in Jersey. Yeah, we have bad apples. We have bad people, and we don't want the bad people. But we don't have these issues in Jersey.

The Topic: The new use-of-force policy

The Take: *The PBA's ability to intercede made this nothing really to get hot and bothered about.*

Marc: If an officer is doing his job the right way, nothing really changed in that policy dramatically. I think guys overreacted in the beginning when they saw it. Once they actually took the time to read through it, or listen, I think a lot of our members calmed down.

Pat: If they actually read the policy, it wasn't changed in 20 years. Policing certainly has. Policing has changed dramatically during the past six months. We can't be tone-deaf to it. When you actually look at the policy, like Marc said, the parameters tightened a little bit and they had to include 20 years of case law. But it's not like New York City where officers are prohibited from using choke holds even in deadly force. By being on the policy committee, we were able to bring some semblance of professionalism to it and make sure some of those changes that were proposed did not make it into the policy, because there were some radical changes that had no place in policing.

Marc: Everybody asks, "Why do you talk to the governor?" And why do we have a relationship with the attorney general? If we had no seat at the table, that policy would have been 100 times worse. But they give us a seat at the table, so you can't cut that off. We have to have a line of communication.

The Topic: Attorney General's order for all law enforcement agencies to publicly identify officers who have committed serious disciplinary violations

The Take: *He is the one violating the public trust.*

Pat: I think it's a horrible policy. The prosecutors think it's a horrible policy and the chiefs think it's a horrible policy. I think it was reactionary to what the popular mantra was when he decided to implement the policy. I think he can't talk about resiliency out of one side of his mouth and then talk about exposing 20 years of records out of the other side of his mouth. Our members went into agreements that they thought would never see the light of day again. Just because the press wants it or a public looking for titillating information wants it, doesn't mean it's the right thing to do. If you want to violate the public trust, as we've told him, publish. But to just go in and do that was just grossly unfair.

Marc: If you reach out for help or go into rehab, or let's just say you had an incident. I mean 18, 19 years ago and you never had a problem again in your life. Now you have three kids and you're married and it's going to be put out for everybody to hear. It makes no sense to me. You kept your job. You worked well for the last 18 years, and now you're going to get embarrassed. That's not what our members signed up for.

Pat: It's also subjective. A chief in Essex County is not going to discipline the same way a chief in Salem County is. It doesn't happen. What's considered an egregious offense in one department is a minor offense in another. So there's no hard-and-fast rules. It's grossly unfair.



Joint Statement New Jersey Law Enforcement Unions

Ten days ago, and with less than one hour's notice, the Unions representing Law Enforcement Officers across New Jersey were notified by the Attorney General of his intent to unilaterally force the publication of all Officers' names who are suspended for more than five days, demoted, or terminated as the result of confidential internal investigations. In addition, the Attorney General has ordered the New Jersey State Police to release the names of all Troopers involved in this type of discipline in the last twenty years by July 15, and is urging other law enforcement agencies to do the same.

Over the past ten days, our Unions made multiple attempts to bring the Attorney General to the table to negotiate a sensible, responsible, and mutually agreeable policy. We publicly and privately expressed a willingness to strike a balance with the Attorney General which satisfies his call for transparency in truly egregious situations but does not expose hundreds of Officers with far less serious violations. Our intentions were clear that we were not seeking to protect "bad cops" but that we needed a seat at the table.

Yesterday, our calls to be heard culminated in a meeting with the Attorney General to express our many concerns. Troublingly, the meeting began with the Attorney General reading, word-for-word, a legal disclaimer which made it explicitly clear the meeting was not a negotiation. For nearly two hours we discussed many extremely problematic issues with his directives.

Some of our numerous concerns include the physical safety and mental well-being of our members and their families, the potential to easily identify other involved parties, and the existence of strict confidentiality in internal investigations and voluntary disciplinary agreements. Also, many identities stated for release will include deceased law enforcement officers, some of whom made the ultimate sacrifice in the line of duty and whose names are etched on the walls of the National Law Enforcement Officers Memorial in Washington, D.C. At the conclusion of our meeting, we were simply told by the Attorney General that his office would be in touch.

Unfortunately, the firm deadline of July 15 for the publication of names coupled with the Attorney General's outright denial to negotiate in good faith has left us with no other option than to file litigation and seek temporary restraints until our arguments are heard in court.

State Troopers and Police Officers throughout New Jersey serve with great honor and distinction and we are proud of the commitment our members make to the citizens of this great state. They deserve to be respected and treated with fair and reasonable policies which address current issues while helping our profession grow closer to the communities we care for, not further apart. We are always open to progress that actually makes New Jersey a better place for all families to live, work, and thrive - including our own.

For Immediate Release - June 25, 2020

Working Together

We can make sensible law enforcement reform while keeping our officers and the citizens SAFE in our great State!

The Topic: The PBA's relationship with the attorney general

The Take: *We still have a seat at the table.*

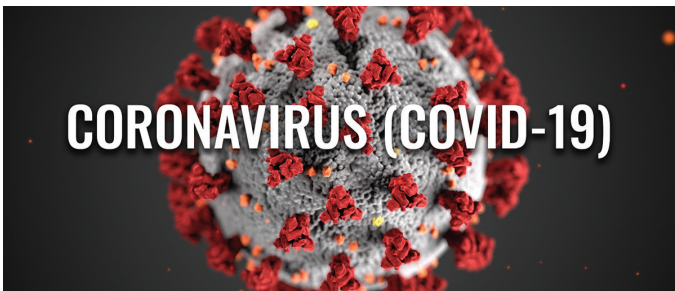
Pat: With the discipline order, he painted us as trying to keep something secret. He knew that wasn't the case because we had a meeting with him. He knew that was not the position we had. So that's what was disappointing because is it the attorney general that we knew, or is it the attorney general who wants to be a politician?

Marc: The first week of March, when he came to our mini convention, 1,500 men and women applauded him. And a little over two months later, we were public enemy. We finally built a good relationship with him, and one incident happens in Minnesota and he turned the lights off on us. But we still have a seat at the table after all this, and that's fortifying.

Pat: It's important because he's the chief law enforcement officer, and we represent 8 1/2 out of 10 of the people that are subordinate to him. And it was crazy during the Christie administration when we had no relationship with the attorney general. We were going through an attorney general every 10 minutes under that administration. It was ludicrous. What we have achieved is that you don't have to listen to us, but we need to have a voice for our membership.

The Topic: How a pandemic-stricken economy will affect collective bargaining

The Take: *COVID is not an excuse to shortchange members.*



Pat: It's tough to ignore it. I think, luckily, COVID has not had the impact that everybody feared initially. I think if administrations are legitimate, then sometimes they're going to be more effective than others, like they always are. But don't be disingenuous and tell the members that there's no money and then go build a new golf course or put up a new park. These are the men and women who are responding to your calls for service. Council people and mayors had the convenience of doing things via Zoom. We didn't have that. While they were home safely, we were answering their calls for service and keeping their towns, counties and the state safe. If there's a tax collection problem or the economy tanks, then so be it, but it seems that there's not been that crisis yet. It may come this year; we don't know. But just don't be disingenuous with your employees.

Marc: I think we should be grateful that we're still employed because how many hundreds of thousands of people lost their jobs? But this shouldn't affect your contract negotiations. They should be treating you in the same way: honestly. It might affect your raise and stuff, but you should still be trying to get the best raise the same way.

Pat: I know that there is no union that is better prepared for contract negotiations than the State PBA. They know if there's no money, if tax collection is down or there is no surplus, that they're not going to get decent raises. But we give you the tools to do the best you can in contract negotiations.

The Topic: Getting the vaccine to members

The Take: *It's coming.*

Pat: Yeah, we're trying. For the record, Doug Forrester at Integrity Health is trying to open up something at his Somerset County facility and get some of the vaccine to fill in the gaps for those towns that haven't made those arrangements yet. We were moved into 1A from 1B the other day by the governor, which is where we should have been from the very beginning.

Marc: We had a meeting with the governor's office to expedite that. He listened to us right away and helped us. That's why we still have our relationship with the governor because of things like this.



The Topic: Missing being with the members

The Take: *Can't wait to see everybody.*

Marc: I didn't notice it at all for the first month or two. Then it's like, you really start missing the in-person. I can't wait for it to get back to live meetings without masks and just being back to normal again.

Pat: We had that break at the end of the spring when we did PBA Day at Tices Shoal. The overwhelming consensus I got was, "Boy, we needed this." We recognized that we all need it. We all need to blow off 2020. I'm looking forward to it maybe more than anybody else. So, I don't want to say look out, because what if something happens. But we're anxious to get everybody back together and get back to some sense of normalcy.



The Topic: The impact of the new administration in Washington, D.C.

The Take: Hopefully, they will realize that defunding the police would be a crime.



Marc: This can be scary at times. We will have to wait and see, but it's potential for some scary times ahead. Who knows what kind of crazy legislation they're going to try to impose now that they have all three branches of government.

Pat: We're lucky that New Jersey hasn't been part of the conversation. But I've written about this: Many hundreds of people aren't that lucky. The defunding conversation has literally killed and maimed people. If somebody hasn't looked at the defunding movement and the insane percentages of increases in crime, then put your head back in the sand and continue with your life of not opening your eyes, including our legislators, because the year-end defunding numbers were literally staggering. The defunding movement has proven itself abysmal. But because hundreds of people died, nobody seems to want to put a face or a name to those statistics. It's ludicrous.

The Topic: What members need to do this year

The Take: Words of inspiration for 2021.

Marc: Just keep the faith, watch each other's backs and be there for each other. Especially the supervisors. Stupid nitpicking and that type of stuff has to end because we can't protect each other, and that is so important now with this environment that's so against us. Let's stick together and be one.

Pat: I agree with Marc, because when you go on some of the social media and some of the police groups, it's hard to explain. We're happy to accept criticism. It's what makes us run. It's what keeps us in check. But for the member who decides that he doesn't want to be involved in the union, at least ask intelligent questions. There are reasons we do things like being involved in politics. The thing that I despise is seeing members post that we shouldn't be involved in politics. Well, then give back your PBA mortgage, give back your right to the arbitration. There's a reason we're here. We're here every day, every night, fighting for the rights of our members. Sometimes to see just the anger, the keyboard cowards that are experts on everything but couldn't find their PBA meeting with a GPS and a gift card, is discouraging. This PBA lives with us every day. Again, we hope that there's more engagement. Nothing gets done from behind your keyboard. Show up at your PBA meeting. Show up and do something instead of sitting there and criticizing.



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Extending his warmth

Asbury Local 6 member steps up to help resident left out in the cold

■ BY ROSEMARY AN

Asbury Park Local member Joseph Leon received a call from State Delegate Eugene Dello asking him to check on a resident whose furnace went out in her building on the night of Dec. 16. A nor'easter had dumped almost a foot of snow on parts of the state and brought the temperature down to single digits with the wind chill.

When Leon arrived at her door, the resident was surprised to see a law enforcement officer responding to a third-party call about a lack of heat. The resident, who worked as a Door-Dash driver, had gotten into a car accident due to the weather conditions. Her daughter, who was nine months pregnant and due in two weeks, was living upstairs. She was hoping to get in touch with her building superintendent since her own efforts came to no avail.

"She was just having a bad day," Leon recalled. "And then the heat wasn't working on probably the one day a year you need heat the most."

Leon was able to get in touch with the superintendent, who



relayed that he was aware of the issue but would not be able to solve it until the next morning. So Leon's relentless urge to protect and serve and go above and beyond the call naturally took over.

Leon had stopped at Home Depot earlier in the day on his way to work, to purchase a space heater for the gym in his garage. It was sitting in the trunk of his car.

"There was just no way I could sit there in good conscience knowing that I could do something for this lady," he remarked. "So I said, 'Give me two seconds,' and drove to my car to give it to her."

With the space heater in hand, Leon returned to find a nearly speechless and very appreciative resident and her daughter. Leon can't recall her exact response but noted it was something along the lines of, "You saved us."

When the resident insisted on giving back the heater after she was finished with it, Leon wouldn't hear of it.

"You can borrow it for a day. You can borrow it forever — whatever you need," he told her.

The morning after, Leon received a thankful text from the resident.

"I told her that maybe that's why I went to Home Depot," he shared. "I think I was meant to give the space heater to her."

Leon emphasized that the resident's appreciation was enough commendation for his efforts.

"It was a small gesture, a small sample of what officers do all the time without looking for recognition," he noted. "If any other officer had showed up to the scene and had a heater in their car, I know for a fact they would have done the same thing."



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PFRS Trustee Board has built it...

...and now, with infrastructure in place, members want to know if COLA will come

■ BY MITCHELL KRUGEL

Before getting to the question so many NJSPBA members have for the independently run Police and Fire Retirement System (PFRS), it is important to understand how much work has gone into just being able to entertain that inquiry. During the past two years that the PFRS has been under the leadership of a trustee board that includes a majority of active and retired law enforcement officers and firefighters, the construction has been done to become one of the best public safety pension systems in the country.

The 12 members of the board have applied lessons learned and expertise gained from years of municipal, union and financial management to build the structure that can grow the system beyond its current 70 percent funding level. And, of course, achieve the No. 1 goal of securing a defined pension for every member, from those who are just coming on, to those who might take advantage of the pending “20 and out,” to those who are 20-plus years into retirement.

“We needed to put in the building blocks of PFRS just to get us where we are,” explains Bruce Polkowitz, a retired Edison Local 75 State Delegate who is the retired members elected trustee to the PFRS board. Polkowitz offers a view from his perch as chair of the PFRS personnel committee to let members know just how intricate the building process has been

and what it has done.

“The remarkable work this board has done to put the building blocks in place of the PFRS – it’s a whole government entity from scratch,” Polkowitz continues. “I strongly believe that by having the leadership we have in place and the staff we have in place, we are going to see far greater returns to make us more solvent and promise the members and their families that they will have a pension for the rest of their lives.”

Personnel has been priority one for building the PFRS. That began by stocking the various board committees, such as investments, audit, actuarial and regulations, among others. The first hire, of Board Secretary Lisa Pointer back in 2019, was also critical to running the \$27 billion entity that is PFRS.

Subsequently, the system enacted its legal team, led by general counsel Rob Garrison, which has now grown to five attorneys. Not only does this give the PFRS freedom from having to go through the attorney general’s office, but also it has the capacity to review pension requests, contracts and legislation and answer individual questions from members.

The administrative team and the entire staff have been running under the direction of Executive Director Gregory Petzold, who came on board after serving as Governor Murphy’s deputy chief of staff of intergovernmental affairs. The recent

CONTINUED ON 44



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addition of Chief Investment Officer Russ Niemie, nationally renowned for his work with the Texas state pension and New York State Nurses Association, sets up the PFRS to shift into high gear in 2021, which will include shifting its assets from control of the NJ Division of Pensions to independent managing and investing.

"We have achieved a very high level of accountability," Polkowitz emphasizes. "We are able to know how the system is being run. Where's the money? What is our return?"

So that brings us to the big question.

What about COLA?

Or perhaps more appropriately, as Polkowitz notes, how come it's taken so long to even talk about COLA?

"And my answer is that it's miraculous that we can even have a discussion about COLA at this point," Polkowitz reports. "Had we still been part of the of Division of Pensions, this conversation may never have taken place in my lifetime. Or anybody's lifetime."

The fact of the COLA matter is that with putting personnel in place and building the system, the PFRS is now ready to have its actuarial resources conduct the research to see what COLA scenarios could work. One scenario is bringing back COLA the way it used to be, when members would begin getting COLA at the start of their third year collecting their pensions. Another scenario could be something like every member who makes X amount of dollars and below gets COLA at 100 percent, and every member above that will get a lesser percentage.

The first step is getting information from the Division of Pensions – looking behind the curtain, as Polkowitz describes it. This is data such as how many retirees there are in the sys-

tem, how long they have been retired, what their pension levels are, how much money goes out each month.

"Another component could be to tie COLA to our investment strategy," Polkowitz adds. "We can better know about funding COLA if we are meeting our benchmarks. Let's say if it costs X amount of dollars, what is going to be the impact on the fund? Can we look at those numbers and make sure it's sustainable?"

Once the actuarial team provides the data, then the investment team can begin to plug in scenarios. The reality is, the investment strategy under the Division of Pensions might be costing the system \$100 million per year in lost opportunities. A new strategy might initially yield an annual 2 percent gain, which could be more than \$500 million.

Could that be enough to fund COLA?

"I think for us to ever promise COLA, we would really be violating our legal fiduciary responsibility," Polkowitz states. "We know we want to make it equitable across the board and make sure that we never forget those who have been retired for years and years and are getting less money. So when they ask, 'Bruce, what's it going to look like,' the best thing I can say is that we're going to get there now that we have the pieces in place."

The other promise Polkowitz wants to make is to keep PFRS members well-informed of the COLA endeavor, the asset growth through investment management and all the other benefits they anticipated when Chapter 55 was signed in 2018 to make PFRS independent.

"It's going to take a 100 percent team effort between the staff, the committees, the members and all of us," he declares. "We have no word for failure in this process. This will absolutely succeed. I say that not with hollow words. I say that with conviction."

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He had a uniform approach

State Correctional Police Officer Vincent Butler served with a relentless dedication to order

BY MITCHELL KRUGEL

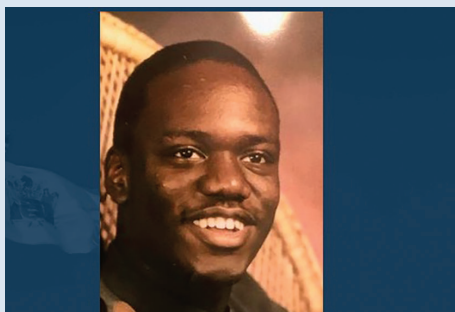
On his day off, State Correctional Police Officer Vincent Butler would spend hours getting his uniform ready for the coming week's tour. Every crease had to be ironed impeccably. His belt and shoes needed to be clean of scuff marks and shined to a mirror finish. He ran inspections of his wardrobe that his wife Teresa reported would last for up to an hour.

Butler loved order. Every report he wrote had to be mistake-free and organized a certain way. He let inmates at South Woods State Prison in Bridgeton where he worked know that as long as they toed the line, he would treat them like men.

Things will seem out of line at South Woods after losing Vincent Butler to COVID-19 on Dec. 29. It was the second time in 25 days that COVID took an officer from South Woods, where State Corrections Local 105 members are still grieving Brother Erick Whitaker, who was lost on Dec. 4.

"He was the kind of guy who came to work every day. He did exactly what he was asked to do. You could rely on him," praised Mike Gallagher, a Local 105 vice president who is assigned to South Woods.

On Jan. 3, Butler and Gallagher would have reached their 23rd year together on the job, having come out of the same academy class. Gallagher noted how Butler grew to become a general assignment specialist at South Woods, a



Officer Vincent Butler

NJ State Correctional Police

End of Watch: Dec. 29, 2020

guy they would send in to respond to a code situation like an officer in need of assistance.

"He was a guy who didn't have time for the nonsense of workplace drama," Gallagher added. "He was all about business. He was there to do a job, and he did it."

Butler would go to great lengths to maintain order. Teresa recalled an incident when Vincent was 10 years into the job. A riot broke out at South Woods. Butler kept inmates from going over the wall, even climbing the wall to drag one down.

He broke his ankle in the process and needed a couple of surgeries to get back on the job. He was out just four months recovering.

That was the only time Butler missed the job. Teresa said he never even had a minor cold. He figured when he came down with COVID that he would recover

quickly and almost did. The virus took him pretty quickly.

"He loved the idea of being a good citizen," Teresa shared. "This is a man who never smoked a cigarette, never drank anything in his life."

Vincent and Teresa met working security in the casinos. During their 27 years together, they raised four children. One daughter is reportedly preparing to take the bar exam.

One of the first things Vincent told Teresa is that he wanted to be a law enforcement officer. And he wanted to be the best one.

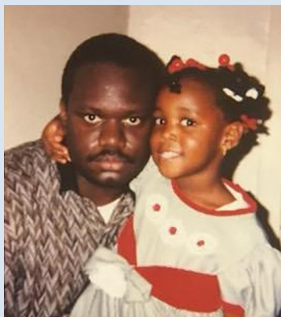
He would have graduated the academy first in the class academically, but just before the last exam, Teresa went into labor two months prematurely. He, of course, left to tend to his family, and a low score on that exam left him three points behind the officer at the top of the class.

"My husband was a person who loved order and abiding by the rules," Teresa confirmed. "He liked the idea of helping people when they had times of crisis."

Vincent would come home many nights and tell his family stories about work. From those tales, Teresa was able to get a great sense of how he went about his job.

"He always talked about how he tried to lead the way and to do his job with dignity and honor," she detailed. "Although these individuals made incorrect choices, he felt they are still individuals

CONTINUED ON PAGE 47



Family album photos show State Correctional Police Officer Vincent Butler with his wife, Teresa, and their four children.

Remember me

U.S. Capitol Police Officer Brian Sicknick is killed in the line of duty after a mob storms the Capitol building

■ BY KAREN JENKINS

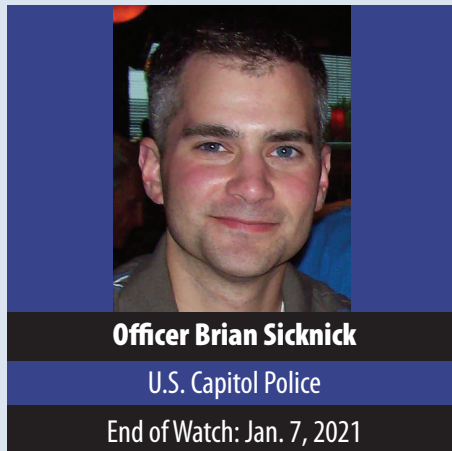
A silence covered the U.S. Capitol grounds on the evening of Jan. 7 as hundreds of law enforcement officers gathered on the street to honor their fallen brother in blue.

U.S. Capitol Police Officer Brian Sicknick, a New Jersey native, passed away on Jan. 7 after succumbing to injuries sustained the previous day while physically engaging with rioters who forcefully breached the entrances of the Capitol building. According to officials, the 42-year-old officer was struck with a fire extinguisher during the mob's rush.

Sicknick, a U.S. Air Force veteran, had served with the Capitol Police since July 2008 and was most recently assigned to the first responders unit. He is only the fourth member of the force to be killed in the line of duty since its founding in 1828. His loss touched nearly every department in the country and every state that has native sons serving with the U.S. Capitol Police, including New Jersey.

"He loved his job with the U.S. Capitol Police and was very passionate about it," Sicknick's family shared in a statement. "The tremendous support we have received from the U.S. Capitol Police, the law enforcement community and the community as a whole has been overwhelmingly warm and generous. We're very grateful for everyone's kindness during this difficult time."

Born in New Brunswick and raised in



South River, Sicknick graduated from the East Brunswick campus of Middlesex County Vocational and Technical School in 1996. Sicknick joined the New Jersey Air National Guard in 1997 and served until 2003, joining the U.S. Capitol Police five years later. The officer had a not-so-secret love of the New Jersey Devils.

Community members from South River, including U.S. Senator Bob Menendez, law enforcement officers and borough officials, gathered on Jan. 12 to honor their fallen brother during a quiet ceremony. Menendez presented Sicknick's family with an American flag that had flown over the Capitol building.

"Officer Sicknick gave his life protecting the U.S. Capitol, and by extension, our very democracy, from violent insurrection," Governor Phil Murphy said

in a statement on Jan. 8. "His needless murder at the hands of a mob bent on overthrowing the Constitution he had dedicated his life to upholding is shocking. It is my fervent hope that the rioters whose actions directly contributed to his death are quickly identified and brought to justice."

A GoFundMe campaign was launched by fellow U.S. Capitol Police Officer Lindsey Taylor to help ease financial hardship for the Sicknick family related to the death. As of Jan. 15, the original \$250,000 goal had been surpassed, with a total of \$703,191 contributed by 15,000 donors.

Officer Sicknick's death is undergoing federal investigation by the Metropolitan Police Department's homicide branch, the U.S. Capitol Police and federal partners, according to a press release from the U.S. Capitol Police.



Officers from the U.S. Capitol Police and the Washington, D.C., Metropolitan Police Department salute as the hearse carries U.S. Capitol Police Officer Brian Sicknick on Jan. 10.

BUTLER CONTINUED FROM PAGE 46

that should be treated with humanity. He always thought that was important as a member of law enforcement."

The NJ State PBA has now lost 18 members to COVID-19. The pandemic has hit South Woods extremely hard. Officer Chris Stanek was hit with the virus in May and finally returned to his family after more than 100 days. He was at Cooper University Hospital in Camden for months, where he was intubated and placed on a ventilator twice and put on continuous dialysis at one point.

Butler and Whitaker both worked Facility 3 at South Woods, where Gallagher said officers have to interact with inmates who try to distance but are not on lockdown. He warns that despite getting tested every week, officers must be increasingly aware of what can happen with being exposed to COVID.

"We're a Type-A personality and most of us think we can handle anything," commented Gallagher, who endured his own battle with the virus. "So, basically, you're going to have COVID symptoms. But when you have complications, that's the time to seek medical assistance."

Butler was always a rock at South Woods, and Gallagher described him as a "buoy who can't be replaced." Teresa said that her husband would have a simple request for officers to remain rock-solid.

"He would want them to carry themselves with character and high honor," she declared. "And although you are maintaining order and alignment to the regulations and rules within the prison, always remember that the individuals you are overseeing should still be treated with humanity."

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News about NJ Cops

He made his 'Mark'

Hoboken State Delegate Aurigemma ends an illustrious career

■ BY ROSEMARY AN

Longtime Hoboken Local 2 State Delegate Mark Aurigemma could walk into fire and stay calm. He was a leader and reliable friend. He may not have been loquacious, but he was highly regarded as an experienced officer and Local member whose words were well worth listening to, and his advice was rock-solid. Fellow Local 2 members maintain that he was a fixture in the department.

Local 2 President Marc Marsi described a hairy situation with a drunk, screaming, agitated man who was ready to get into an altercation with officers. Marsi was trying to navigate how to put handcuffs on the man when Aurigemma showed up to the scene. Aurigemma asked the man, "Are you having a bad day?" Then he shooed the other officers away. Within a couple of minutes, the man calmly walked back to the officers. Marsi looked at Aurigemma, who shrugged and said, "Don't even worry about it, he's good."

This is just one of many examples of Aurigemma using his calm attitude to de-escalate a situation in his 35 years on the job, which culminated with retiring at the end of 2020.

"In our job, you can very easily get provoked," shared Marsi. "To maintain that steady demeanor for over 35 years is something that not a lot of officers can do and not a lot of human beings can do."

Due to his laid-back and even-tempered persona, Aurigemma was able to get along with anyone without ever getting into a disagreement. Marsi could not think of one citizen or officer filing a complaint against Aurigemma during his entire career.

"He's got a Ph.D. in relaxation," said Marsi.



Aurigemma was sworn into the department in 1984 and held numerous positions, including State Delegate since 1994. He retires as the NJSPBA second vice president. He also served as a chair for the state PBA Blue Mass in Newark held every October.

Some of Aurigemma's most important work came from fulfilling his charitable duties by supervising and pioneering annual events like the Halloween ragamuffin parade, Thanksgiving turkey drive and Toys for Tots. He holds Special Olympics near and dear to his heart and has assured the Local he will continue to participate in their events, along with helping out wherever else he can.

"The events definitely wouldn't have taken off and been as successful as it was if he wasn't involved," Marsi stated. "That's the kind of person we're going to be missing."

As a colleague, Aurigemma, who credits his wife Cathy, son Andrew, and daughter Annette for his longevity, took lead of events like the community breakfast, an annual gathering between police and firefighters in Hoboken and the Local's annual picnic along the Hudson River. It may not have been part of his official duties, but he was always the first one to step up.

"He was the operator of the grill," noted Christopher Hatfield, the new Local 2 interim State Delegate. "No lie, he was on there for 12 hours on a hot summer day."

Marsi and Hatfield mentioned the importance of a supportive family for an officer like Aurigemma who was so active in the Local.

"His family members constantly sacrificed their family time so that he can do 100 percent of his job and then some," Hatfield remarked. "They helped him be the best [officer] he can be."

In a career that has traversed many decades, Aurigemma has always upheld the idea of calming down a situation, even before the word "de-escalation" was widely used in law enforcement.

"Before those notions were even in fashion, he was deploying them on the street as a cop," Marsi added. "He could still, to this day, probably be the standard by which most police officers should be measured."

There is a colloquialism that is unique to most of the law enforcement officers in the Local that Aurigemma coined – "cump," morphed from "compadre." Marsi remembered hearing Aurigemma calling all the members "cump" and how it rolled off his tongue.

"He's the original cump," Marsi declared.

Berkeley Heights Local 144 captures the Grinch

Berkeley Heights Local 144 members paraded two paddy wagons around town from sunrise to sunset on Dec. 12, when Santa Claus arrived to capture the Grinch that stole Christmas (decorations).

The Local posted on its Facebook page about multiple reports of stolen Christmas decorations, including a reindeer from a Summit Local 52 member, with a video of the “suspect,” who was the Grinch. Then, Santa came from the North Pole to help capture the Grinch, putting him in a special jail to ensure he can’t get out.

Santa and the jailed Grinch travelled through the East and West Districts and were tracking their whereabouts on the Local’s Facebook page for residents to go outside and meet the officers in costume.

“You’re putting a smile on a face at the time where people are upset that they can’t do normal activities,” said Pat Moran, the Local’s state delegate. “As we toured through the neighborhoods, [families] knew we were coming and would start yelling to get us to stop and take a picture with the Grinch.”

Several members of the Local volunteered to wear the Grinch and Santa costumes, rotating every four hours throughout the day to cover the 6.5-square-mile town. Danny Cuocci, Vic Pozsonyi and Tim Neri wore the Grinch costumes, while Ernie Schmidt, Don Maxwell and Mike Klimek dressed as Santa for the “Capture the Grinch” event. They were able to get to every street on both sides of town.

Moran gave the officers in costumers the same body warmers that Olympic skiers use.

“The officers in costume were using hand and feet warmers



because it was freezing, so it was not an easy job,” Moran said. “But it was a great networking event during a time where people may not want to talk with the police.”

The Grinch was forced to return all the decorations he stole, then was taken downtown with Santa where the Christmas tree was being lit. The Grinch was finally set free to engage with children and their families.

In previous Decembers, the Local held a “Santa in Blue” event, delivering gifts that were coordinated with parents to the children of the community. But after the COVID-19 pandemic struck, the department wanted to revamp its event to keep residents safe and enjoy the holiday at the same time.

Although engaging with the whole community is important to the Local, the “Capture the Grinch” event mirrored its emphasis on caring for the children during the holidays.

“We want to build a relationship with the kids,” Moran said. “The event gave them something to look forward to, instead of just being stuck in the house on a cold day.”

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Old Bridge Local 127 gives and receives for the holidays

Decorations in front of a resident's house read "Happy holidays" and "#TeamBryce." Old Bridge Local 127 Member Steve McCauley and President Vinny Galgano joined a holiday-themed drive-by on Dec. 13 to support Bryce Lomas, a freshman at Old Bridge High School who was recently diagnosed with acute myeloid leukemia (AML).

McCauley and Galgano presented an Uber Eats gift card to Lomas, who is a big fan of the food delivery company. AML is a type of cancer of the blood and bone marrow with excess immature white blood cells, and Lomas will be undergoing constant blood transfusions and platelets to keep him alive.

On Dec. 22, Galgano joined Superior Officer Association (SOA) secretary sergeant Jim Ford to load up a truck full of toys to be distributed to underprivileged and underserved children. The toys were sent to the Harmony Family Success Center, a human services organization, to be given to children in New Brunswick, Middlesex County and Central New Jersey.

In the spirit of giving and receiving this holiday season, elementary school students wanted to show their support for the Old Bridge PD by giving them colorful ornaments with messages like "Thank you OBPD" and "Happy holidays." The Local accepted a special delivery of handmade Christmas ornaments in a wooden crate from students at McDivitt Elementary School on Dec. 23. Carol Addeo, a teacher at the elementary school, presented the ornaments to SOA secretary and Sergeant Jim Ford. Every officer in the Local was given their very own ornament to take home and display on their Christmas trees.



A gift giveaway from West New York Local 361

West New York Local 361 donated wrapped gifts in colorful holiday bags to children and their families this holiday season, with the help of donations by members and residents in the town. The gifts were distributed by the Division of Child Protection and Permanency (DCP&P) before Christmas.



Morris County Prosecutor's member make toy donation

Morris County Prosecutor's Office Local 327 members donated more than 60 new toys — including dolls, figurines and a toy guitar — for underprivileged children on Dec. 18. The toys were provided to Deirdre's House (Morris County's Child Advocacy Center) to be distributed to the children.



Neptune Township covers nursing home with warm blankets

Neptune Township Local 74 members were outside a nursing home with white bags filled with red and white patterned blankets on Dec. 22. With the help of Neptune firefighters, members delivered 80 holiday blankets to keep residents warm this winter. The blankets were donated by the Local to the residents at Neptune Gardens for Nursing and Rehabilitation.

Residents drive by to drop off toys for Toms River Local 137

Toms River Local 137 hosted a drive-by dropoff to donate toys and gifts to Children's Specialized Hospital in December. The Local, which usually partners with Cathy Fortunato of the Toms River Hockey Club, altered its annual event to avoid a large gathering during the global pandemic. Although the Local was unable to bring its Santa to the hospital to hand out gifts, members were still able to raise more than \$1,600 in gift cards so hospital staff could purchase more toys for the inpatient and outpatient kids in the facility.



Cherry Hill Local 176 stuffs the truck

Members of Cherry Hill Local 176 and its Superior Officer's Association donated toys to the department's "Stuff the Truck" event to help underprivileged children receive gifts this holiday season. Orangetheory Fitness collected the toys in its lobby until Dec. 15, when members gathered all the gifts and delivered them to Angels Community Outreach, an organization that seeks to provide for people who are financially in need.



Locals team up to give children holiday presents

In a combined effort, Hunterdon County Local 188 and Raritan Township Local 337 shopped for toys, clothes and other gifts for over a dozen families on Dec. 18. The Locals selected underprivileged families with multiple children to show their support during the holidays. The event was sponsored by Fred Beans Toyota of Flemington, Grape Expectations and anonymous donors.



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Harrison Local 22 honors instructor with silver card

Harrison Local 22 awarded a PBA Silver honorary lifetime membership card to Plinio Cruz, owner of Cruz Mixed Martial Arts in Harrison, for his continued support to the Local and community. Cruz offered to train the Local's officers in Brazilian jiu-jitsu because he believes that every police officer should be knowledgeable in the sport to save lives and build a safer community. Local 22 Vice President Matthew Murphy and State Delegate Joseph Sloan are among the officers who took advantage of Cruz's offer and train with him weekly. Cruz is a Brazilian jiu-jitsu black belt and world champion, judo black belt, Bellator veteran and Cage Fury Fighting Championships heavyweight champion.





Cranford Local 52 raises cancer awareness

Members of Cranford Local 52 were featured on a billboard in Times Square for their participation in No Shave November. By growing their beards to raise awareness for cancer, the department raised \$10,000 for two women, Mary Ellen O'Neill

and Nadia Vizueta. The two mothers, who are Cranford locals, are currently fighting the battle against cancer. The Local presented the two women with a check for \$5,000 each in support.



Morris County Prosecutor's Office Local 327 shows its shaving grace

Morris County Prosecutor's Office Local 327 Members took part in the annual No Shave November event to raise awareness and funding for cancer prevention, research and education. The participants, who grew out their beards for the event, each made a personal donation to the cause, along with other member donations. The Local was able to present a \$700 check to the Goryeb Children's Hospital at Morristown Medical Center in support of their continued work against cancer.



Local 197 distributes brand-new clothes to residents



Passaic County Corrections Officers Local 197 members distributed more than 300 coats, hats, gloves, socks and blankets to disadvantaged residents in Paterson on Jan. 9. For the first-ever event, the Local used social media and flyers with QR codes to solicit monetary donations from the public. They used the do-

nations to order brand-new clothing and separated items into bags so that residents would be able to receive one of each. "We didn't have to spend one dollar, because the donations from the public were more than enough," shared Local State Delegate Michael Dalton. "It was a huge success."

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Manville past State Delegate become chief

Manville Local 236 past State Deletate Thomas Herbst was sworn in as Chief of the Department. His wife, Brooke, son Trevor and daughter Brielle celebrated his promotion.



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Point Pleasant Borough Local 158 promotes four officers



Point Pleasant Borough Local 158 made four promotions in December, including a new chief. The newly promoted officers are (from left) Kevin Aurin to sergeant, Adam Picca to captain, Robert Lokerson to chief and Brad McNally to lieutenant.



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Cherry Hill Local 175 honors retiring member

Cherry Hill Local 176's Bill Kushina retired after 41 years of service. He started in the operations division in 1979 and was promoted to detective, sergeant and lieutenant throughout his career. He also served as a supervisor in various roles and departments throughout his tenure and was a founding member of the tactical response team formed in 1983.



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PBA members honored for work in sex crimes

■ BY ROSEMARY AN

The 23rd Annual NJ Sex Crimes Information Sharing Conference, scheduled for Dec. 2-4 at the Seaview in Galloway Township, would usually have included an awards ceremony to recognize officers who exemplified greatness in their work in the field of sex crimes and child abuse.

The conference, co-hosted by the New Jersey Sex Crimes Officers Association (NJSCOA) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN), was cancelled due to concerns regarding the COVID-19 pandemic.

NJSCOA and MAGLOCLN believed it was important to continue to commend excellence in this line of work, especially in the face of a pandemic. The entire association was notified of award recipients via email, and the awards list was posted on the NJSCOA website.

"Even at the height of the COVID-19 pandemic, no one stopped working," NJSCOA Chairman Joanne Son praised. "Every year and even more so this year, it was important to show the dedication that these officers have and the extra sacrifices they've had to make."

The 2020 Outstanding Law Enforcement Service Award went to members of the Cape May Prosecutor's Office Local 59, Hudson County Prosecutor's Office Local 232, North Bergen Local 18 and Union County Prosecutor's Office Local 250. Here is a look at this year's honorees:

Union County Prosecutor's Office

Union County Prosecutor's Office Local 250 member Joanne Son received the Outstanding Law Enforcement Service Award for her pivotal work in locating and arresting a man who sexually assaulted an elderly woman.

A woman was taking the garbage out of her residence when her granddaughter's ex-boyfriend sexually assaulted the woman and then moved her to another area of the residence to continue the assault. The victim, while fearing for her life, tried to distract the suspect before he fled the scene.

Son, who has been working in the field of sex crimes for 16 years, is also the NJSCOA's chairman.

"At any given time, it would be fair to say I'm working on five to 10 cases at the same time," she shared. "In SVU across the state, you're just constantly triaging your work and figuring out what's the most important thing to do in that second."

Her efforts in tracking down potential witnesses and analyzing forensic data and video surveillance, along with her experienced investigative skills, helped to charge the man with aggravated sexual assault,



Honorees from Cape May County Prosecutor's Office who received the Outstanding Law Enforcement Service Award.

burglary, sexual assault and aggravated criminal sexual contact. It is her first time receiving the award.

Son understands that in many cases, victims are going to her after experiencing what probably is the worst thing to happen in their lives.

"I don't ever want someone to walk away from our office feeling as though they weren't heard or treated well," she noted. "I hope she [the victim] understands that we did it for her."

Son uses an analogy to describe working in the SVU.

"It's like trying to shovel in the middle of a snowstorm. You're just trying to manage and trying to maintain," she remarked. "I treated this case the same way I treat all my cases, and it felt really nice to be recognized not only by my supervisors, but also my peers."

Hudson County Prosecutor's Office and North Bergen Police Department

Hudson County Prosecutor's Office Special Victims Unit officers, who are members of Local 232, and detectives from North Bergen Local 18 received awards for identifying a man who raped a 23-year-old female in October 2019. Officers were contacted about a woman who had been grabbed from behind by an unknown male who threatened her with a sharp object. He then pulled her into the Grove Church Cemetery and sexually assaulted her.

Through a team effort in an all-hands-on-deck investigation, members of the Special Victims Unit and detective bureau worked tirelessly to identify the 27-year-old suspect in a matter of days.

Officers working the SVU detail from Hudson County honored included Captain Matthew Gasiorowski, Lieutenant Javier Toro, Sergeant Maria Dargan (retired), Sergeant Leslie Feinholtz, Sergeant Peter Kwon, Sergeant Polly Hans, Detective Francin Cifuentes, Detective Allison Dixon, Sergeant Adam Drew (Hudson County Corrections, on loan), Detective Sean Kennedy, Detective Amanda Klarmann, Detective Michelle Lenczuk, Detective Josue Martinez, Detective Julia Medina, Detective Aida Miranda, Detective Kevin O'Reil-



Honorees from Hudson County Prosecutor's Office and North Bergen Police Department with NJSCOA Chairman Joanne Son, a Hudson County Prosecutor's Office Local 232 member.

ly, Detective Christopher Pelaez (Bergen County Prosecutor's Office), Detective Ashley Rubel, Detective Yvette Scarpa, Detective Jamie Sackerman and Detective Lusmary Sepulveda.

Hudson County Prosecutor's Office CSI Detectives Meagan Larsen and Risheem Whitten and TARU Detectives Paul Grosso, Richard Jubak Jr., Josh Skolnick and Matthew Svorinic were also involved in the investigation.

Members from North Bergen Local 18 receiving the award included Captain David Dowd, Sergeant Peter Insetta, Sergeant Roberto Maldonado, Sergeant Edgar Mendez, Sergeant Brian O'Niell, Sergeant Thomas Yfantis, Detective Hector Botello, Detective Jason Castillo, Detective Constantinos Apostolakos, Detective Christopher Orellana, Detective Placido Hernandez, Detective Eric Weyand, Officer Saray Durango, Officer Chris Fernandez, Officer Kayla Muniz, Officer Julio Norriega, Officer Jorge Palaguachi, Officer Johnny Sanchez, Officer Samantha Sexton, Officer George Somarriba and Officer Michael Whalen.

Hudson County Sheriff's Officers Local 334 member Brian Vitali was also involved in the investigation, which charged the suspect with kidnapping, aggravated sexual assault while armed, armed robbery and more, all first-degree crimes.

Cape May Prosecutor's Office and NJ State Police

Cape May Prosecutor's Office Local 59 member Jennifer Falciani received the Outstanding Law Enforcement Service Award for her work in a yearlong investigation to identify two males who sexually assaulted a juvenile victim in July 2019. They assaulted the victim at a residence in Belleplain.

Detective Falciani utilized multiple interviews, search warrants, communication warrants and subpoenas, which resulted in the identification of two additional victims, as well as three additional defendants. The member's persistence and dedication in the investigation, which that concluded with multiple charges on the five defendants, helped her to receive the award.



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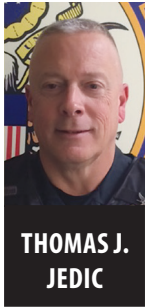


James Buwen, DO, FACOS
Bariatric & General
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Tina Thomas, MD
Bariatric & General
Surgeon

Illegal dumping along the rails — you *can* catch them



THOMAS J.
JEDIC

Anyone with rail assets in your community probably has had or is still having issues with illegal dumping along the tracks. It's becoming increasingly more common and very alarming. The very fact that the railroads by nature have long stretches of unattended track make them a real target. Then add on the addition of access roads, or what the railroad calls "the six foot."

The six foot is a simple, usually gravel drive path alongside tracks so critical employees can access points along the system. Signal maintainers, track repair crews and anyone else employed needing access will drive right up these paths, most of which are either open or secured with a simple gate.

Lately, dumping has become a real big problem. With the cost of trash hauling and dumpsters increasing, coupled with surcharges for special needs like hazardous materials, tires, concrete and other demolition debris, criminals simply dump where they can. The good news is that it can be fought.

Often, a simple investigative approach works just as well in these cases, as in many other crimes you investigate. First, check along the tracks. Many areas do in fact have cameras, especially near signals and other electric devices. Second, canvass your immediate area. We have caught and prosecuted scores of dumpers by simply checking area businesses, factories and even residences for video feeds. You may see the actors driving toward the scene full of debris and later driving away empty. Connect the dots. The critical key is trying to focus on a real time frame, knowing your beat and keeping track of where trash is piling up and why. If you can pinpoint a time frame, it makes your camera feeds much easier to search, saving a ton of time.

Don't be afraid to dive the pile. Of course, you must protect yourself from any hazardous materials, so suit up. Most people who dump don't count on the police actually checking the debris. Many house cleanouts often contain great information in discarded paperwork. Even if the information does not

reveal the actual suspect, it can lead to a former tenant or homeowner with valuable information. I've had many successful cases based off information from former residents leading me to the source. Always document your recovered items, photograph the area, check and retain any video and get statements from anyone you can. You would be amazed how many residents or industrial workers see the actual dumping take place but just don't say a word — unless, that is, you ask.

Work together. My agency has successfully partnered with numerous police departments and great officers who see the things we can't always get there to see. Speak with neighboring towns and find out if they have apprehended any dumpers and share information. One of our cases in Middlesex was cleared by fantastic work by that agency, specifically Officer Joleen Auricchio, coupled with information they acquired from Officer Michael Auricchio, Detective Collina and Lieutenant Richards of the Plainfield Police Division.

For example, we have noticed a big increase in ex-U-Haul box trucks as the vehicle of choice for many dumpers, especially in the urban areas. Keep a keen eye out for trucks like that or even pickups and small dump trucks loaded up with junk not appearing to be valuable scrap metals. Keep a sharp eye out for such vehicles, note the tag and, if you have a free minute or two, follow it in your town to see where it may be heading. These acts don't take a great amount of time, so be focused if you see suspicious vehicles and behavior. And while I realize you have other crimes, often more serious, don't discount this activity as minor. The costs are high to remediate, and allowing the activity to continue doesn't make any town, borough or city look better.

Use the legal hammer. Illegal dumping statutes like NJ 13:1E-9.3 and companion paragraphs are hard-hitting and specific to dumping on railroad property. The guilty finding has big fines, suspensions and more. As with other criminal investigations, remember that charges can add up, so don't just charge the dumping. If applicable, press the trespassing charge as well as any charge for temporarily slowing or stopping rail traffic. Interfer-



ence with transportation can be added as well.

So let's recap. First, always use caution and be safe around the railroad. Make sure you contact the appropriate train dispatcher and notify them of your presence. Conduct some good old-fashioned gumshoe work and you will solve many of these cases. Work with us — our communications division can assist you with placing cameras if need be in areas of habitual railroad dumping. Be vigilant for suspect trucks, loaded pull-along trailers and other vehicles passing you filled with debris. Share suspect information, especially of those apprehended. Call us so we can check our in-house records as well. The railroad police may very well have had prior contact with some of the suspects you apprehend, and it does make a difference. And finally, thank you for all you do to help us combat this ongoing problem. It will never go away, but we can fight back, make arrests and clean up, too.

Be safe and never hesitate to reach out with any railroad question or concerns.

Brother Thomas Jedic is the Railroad Police of New Jersey Local 323 State Delegate, a member of the Norfolk Southern Police — Special Operations Response Team (SORT) and an executive board member of NJ Operation Lifesaver. He can be reached at 201-207-1394 or thomas.jedic@nscorp.com.



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NJ Appellate Court rules in Miranda waiver case prior to charges being filed



ED
ESPOSITO

On Jan. 4, the Appellate Division published its decision in *State v. Anthony Sims Jr.* (Docket No. A-2641-17T2), which included a partial dissenting opinion by one judge on the panel (more on that later). In the court's decision, it now extends the NJ Supreme Court's holdings in *State v. A.G.D.*, 178 N.J. 56 (2003) and *State v. Vincenty*, 237 N.J. 122 (2019), which require the police to inform a defendant subject to custodial interrogation of the specific charges filed against them before they can waive their Miranda rights, to "also apply to an interrogatee who was arrested and questioned prior to any charges being filed, where the arrest was based upon information developed through an earlier police investigation."

According to the decision, "The same requirement applies because without being correctly informed of the crime for which he was arrested, a defendant cannot knowingly and intelligently waive his right against self-incrimination."

In April 2014, police began investigating a shooting incident in Red Bank, where a man was shot 12 times. At the scene, and before the victim of the shooting was transported to the hospital, he did not provide any information of investigative value regarding who may have been responsible for shooting him. However, the victim's grandmother provided information to police at the scene that would assist with their investigation.

Prior to the police arriving at the scene, the victim's grandmother ran outside after hearing gunshots and her grandson calling out to her for help. She found him bleeding profusely as he partially hung out of the passenger side of his Chevy Camaro, which was parked in her driveway. Notably, she asked her grandson, "Who did this to you?" and he answered, "Sims." Ultimately, she told police at the scene that her grandson said the shooter was the brother of his friend.

During the victim's recovery at the hospital, two detectives investigating the incident conducted an interview and obtained a statement from the victim to aid their investigation. Over the course



of nearly three hours, the victim provided the detectives with information about the shooting. The victim was described as cooperative during the interview with the detectives. Specific details of the incident were provided by the victim, including the description and name of the shooter. Prior to the end of the interview, the victim identified a photo of the defendant and signed the back, confirming it was Anthony Sims Jr. who had shot him.

One day after the detectives conducted their interview, they located the defendant and advised him he was being placed under arrest. The defendant was handcuffed, searched and then transported to the detectives' office. At the time of the arrest, the detectives did not advise the defendant why they were arresting him. Between the time of the arrest and the arrival at the office, the defendant asked why he was under arrest, and one of the detectives told him they "would get into the details" when they got to the office. In this case, the defendant was lawfully arrested without a warrant based on the detectives' probable cause to believe the defendant had committed a crime.

Upon arrival at the office, the defendant was brought into an interview room that was equipped with a video recording device. The detectives advised the defendant of his Miranda rights, which

he ultimately agreed to waive. This was documented on a Miranda form. The detectives required the defendant to initial each page and sign the form to memorialize that he had waived his right to have his attorney present. The defendant proceeded to answer questions asked by the detectives after the Miranda form was completed.

During the interrogation, the defendant denied having any involvement in the incident. At one point, the defendant denied even knowing anything about the incident but then recalled he had read a newspaper article about the shooting. The defendant also initially denied knowing the victim and anyone in his family, but then said he knew the victim by his first name but did not know his last name. As the interrogation continued, the detectives told the defendant they had knowledge that he was in Red Bank at the time of the shooting because he was recorded on camera. The defendant continued to deny this and eventually asked if he could make a call from his cellphone. The detectives permitted the defendant to do so and then seized his phone.

Evidence obtained throughout the detailed investigation consisted of surveillance video depicting the incident and multiple witness interviews. Additionally, the information and records obtained from the defendant's cellphone

that was seized during the interrogation confirmed that he was in Red Bank at or about the time of the shooting. The investigation resulted in a grand jury indictment charging the defendant with attempted murder and various weapons offenses.

The court in this case relied on the decisions in *Vincenty, supra*, and *A.G.D., supra*, to determine that “[o]nce arrested, [a] defendant [i]s entitled to be informed of the charge for which he [i]s being placed under arrest before deciding whether to waive his right against self-incrimination.” The court explained that “[i]t makes no difference whether the charge is an indictable offense stated in a civilian’s or law enforcement officer’s filed complaint warrant, attesting to facts that establish probable cause to believe the defendant committed the alleged crime, or if the defendant is arrested without a warrant based on the officer’s probable cause to believe the defendant committed the crime.”

While this is the standard we must adhere to now, it certainly places law enforcement in a precarious situation. It is likely that this decision will be further analyzed by the NJ Supreme Court,

since particularly important issues were raised by J.A.D. Susswein in the partial dissenting opinion. In pertinent part, the dissent states, “I write separately to explain why I believe the per se rule contemplated in section II of the majority opinion, which would require police in some cases to advise a custodial interrogee of charges not yet filed, *has the potential to introduce uncertainty to the administration of Miranda warnings.*”

The dissenting opinion also stated: “A per se rule requiring notification of charges not yet filed may create additional uncertainties when, for example, a defendant is arrested for one criminal incident but also is suspected of committing other uncharged crimes. Consider a situation where a burglar is caught red-handed in a home and also suspected of committing a rash of other residential burglaries for which the proofs are less compelling. It is not clear under the rule announced today whether an interrogating detective must tell the arrestee he is suspected of — and likely to be charged with — committing those other burglaries. New questions will arise under this new paradigm. For example, must the interrogating offi-

cer decide whether, in view of the latest episode, there is now probable cause to believe that the defendant committed some or all of those other burglaries? If probable cause for those other criminal events has, in the officer’s opinion, ripened as a result of the suspect’s latest offense, must the officer so advise the arrestee before conducting the custodial interrogation?”

Hopefully, the NJ Supreme Court will review this case and provide clear guidance on this new and ambiguous requirement. When seeking a waiver of a person’s Miranda rights, law enforcement should be guided by objectively verifiable and distinct details to be able to know specifically what they are required to disclose to the person they are seeking to interrogate.

Based on the court’s opinion in this case, law enforcement officers should seek guidance from their respective legal advisors as this area of criminal procedure develops.

Ed Esposito is a captain at the Essex County Sheriff’s Office and a member of PBA Local 183A.

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Misconduct allegations: Preserve your sacrifices as a reservist



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Eventually someone is going to complain about you if you are doing your job. More often than not, an investigation will clear the subject and in my military career I have had to retain experienced counsel to defend myself. There will always be illegitimate complaints. However, allegations of sexual misconduct are on the rise throughout our military. It is a sad reality that some of the allegations are without merit but are nonetheless incentivized by the current compensation system. Every complaint, legitimate or otherwise, will be fully investigated, and your commander's career depends on systematically processing every allegation. Good order and discipline require that the military enforce standards within the forces. However, an allegation against you will upend your life and career, regardless of whether there is legitimate evidence.

Hesitate before resigning

The military will provide you a free JAG lawyer. Just do it! Exercise that right before you talk or do anything else. It will slow the process. You also may not know that you are entitled to retain a private lawyer with experience as a judge advocate. Your instinct may be to exercise self-preservation and promptly resign if you have 20 years of military service. Please do not do that without legal advice.

For now, the important takeaway is that, as law enforcement officers, very similar rules apply in the reserve component that exists in police disciplinary hearings. Constitutional due process still applies, even if you are in a military uniform. You owe it to yourself, and your troops if you are a leader, to know how to preserve your military career and your subordinates. Significantly, what happens in your military career could have a detrimental impact on your career as a law enforcement officer. So, protect them both.

The command expects you "to lawyer up"

Whether on drill or mobilized, know your rights. The types of adverse administrative actions that can be undertaken are too numerous to specify. It depends on your service branch what the action is entitled. In the end, all such action are governed by Department of Defense Instructions. Whether an investigation by the Inspector General (IG), Letter of Reprimand (or "GOMOR"), command investigations or, separation actions, you need to know the applicable law. Security clearances can be at risk too.

Your commander, first sergeant, Air Force "chief" or "gunny" is not necessarily your ally. And if you tell a trusted colleague something, you have now made that person a witness, since they do not have attorney-client privilege. If the government requests a statement or calls them as a witness, military members are obligated to cooperate unless they have a right not to self-incriminate.

Practical example during Iraq deployment

Before I became an Army JAG, and even as a gently seasoned assistant prosecutor while deployed to Iraq in 2003, members of my Special Operations team were observed drinking in a HMMWV. The company commander summoned me to a meeting and informed me of the allegations. He ordered that my team members and I prepare sworn statements. I knew that as a civilian, he would not be able to force me to prepare such a document. But could he demand such a statement while I was on active duty? What about reserve component duties? Of course, the answer is that if you are accused of something illegal, do not make a statement and exercise your right to counsel.

Administrative enlisted separation/Officer elimination

Reservists are certainly entitled to legal representation when subject to involuntary enlisted separation or officer elimination. The characterization of an administrative separation or elimination may negatively affect veteran benefits, future re-enlistment in the military and current or future civilian employment. Understanding the process and the right to an adversarial hearing, evaluating the evidence for separation, securing the testimony of defense witnesses or documents, and the appeals process – all require legal counsel.

One final consideration is that military counsel cannot represent you in civilian jurisdictions or courts, including cases in federal magistrate courts in military installations, and is restricted to proceedings under military jurisdiction only. You can always retain private counsel, and an experienced lawyer can be very valuable.

Thomas Roughneen, Esq., practices at CitizenSoldierLaw and focuses his general practice on veterans.

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Take care for yourself

Some medical advice about how law enforcement officers can better manage their health

■ BY MICHELE C. HOLLOW

It's common for law enforcement officers to worry about what they can't see. Instincts kick in, and you check behind a door or open a closet. Not dismissing the invisible makes you good at your job.

When it comes to their health, however, first responders often dismiss subtle clues. They ignore that they are having difficulty concentrating, forgetfulness, feelings of anxiety, irritability and moodiness. Add in a pandemic, and the stress ratchets up.

"It's the invisible mental worries that add to the stress of your job," emphasizes Integrity Health Chief Physician Executive Dr. Joseph Calabro.

Everyone's stressed, and that stress is magnified due to COVID-19. Many unknowns from the pandemic stoke those fears. The uncertainty of not knowing if the person you're in contact with is asymptomatic, feeling isolated, maintaining social distancing, hearing the anti-police rhetoric from elected officials and through the media, worrying about getting sick or passing the virus onto family members, exhaustion from working overtime because coworkers are in quarantine or sick with the virus — it's overwhelming.

"First responders' situations differ from the ordinary average Joe on the street," says Dr. Jay Kuris, consulting psychiatrist at Integrity Health. "Often it's the family members who first see that something is wrong. It's often hard for first responders to acknowledge a problem, and when they do, it's hard for them to seek help."

Heading into a new year as challenging as the past one, law enforcement officers must make their physical and mental health and wellness a priority. And that starts now.

"The first step is talking about our emotions," Kuris continues. "Not dealing with them leads to increased stress, which can worsen chronic physical and mental health conditions."

Treating the visible and the invisible

When it comes to your health, you know when you're physically ill. The telltale signs of the flu or a cut are clearly visible. Seeking treatment for a physical illness is routine.

"We should follow the same path when we experience chronic stress," asserts Doug Forrester, chairman of Integrity Health. "We schedule annual wellness visits to a primary care doctor. We understand that finding an illness in its early stage makes the treatment more successful. The same should be said of mental illness. At Integrity Health, every wellness visit includes behavioral services."

Those behavioral services can include general conversations with a medical professional asking about your overall well-being. "We take an integral approach," Forrester says.

According to the National Institute of Mental Health, long-term stress can cause high blood pressure, heart disease, diabetes, depression, substance abuse and other physical and mental health illnesses.

Integral services for first responders

Integrity Health's First Responders Partnership Health Center will open this spring in Hamilton. This one-stop health care facility solely for first responders and their families offers visits with primary care physicians, physical therapists and health care workers who specialize in pain management, behavioral health, urgent care and a broad range of other specialties. A pharmacy will also be on the premises. There are no co-pays, and costs will be affordable.

Members can sign up for same-day appointments. The First Responders Partnership Health Center will be open seven days a week from 7 a.m. to 7 p.m.

Integrity Health has other health care facilities in New Jersey for its members. Plans for additional centers include one in Bergen County, one in Essex County and one in Camden County. Forrester understands that it's a major goal during normal times and a Herculean one in the current environment to find reliable, high-quality primary care.

A survey by the Physicians Foundation, a nonprofit, 501(c)(3) organization that educates physicians on leadership skills, estimated that 8 percent of all physician practices nationally (that's around 16,000 practices) have closed due to the pandemic.

"The situation facing front-line physicians is dire," wrote three physician associations that represent more than 260,000 doctors.

In their letter to Secretary of Health and Human Services Alex M. Azar II, which they sent at the end of April, they wrote, “Obstetrician-gynecologists, pediatricians and family physicians are facing dramatic financial challenges leading to substantial layoffs and even practice closures.”

Making it work

“In this environment, we need the First Responders Partnership Health Center for our first responders,” Forrester says. “This is an important time to integrate mental health services with primary care.”

Getting first responders to participate may be a challenge.

“Combining mental health with primary care should be standard operating procedure,” says Richard Wohl, MSW, MBA, an Integrity Health consultant who previously served as president of Princeton House Behavioral Health. “It’s OK to be hurting. The job of a first responder can be daunting, and it’s especially daunting to admit needing help. It’s brave to come forward.”

Wohl described the center as a much-needed antidote to the pandemic.

“This one-stop shop also includes telemedicine,” he says, “which has grown due to the coronavirus. I think telemedicine will only increase over time, because our members like the convenience and the privacy. First responders are private people. Having online services, especially in the mental health field, allows people to open up from the comfort of their home.”

Focusing on self-care

You’ve heard the expression “You are what you eat.” Important steps toward accounting for your health include introspection and recognition.

“When we tell first responders to take care of themselves, that includes eating a healthy diet and finding time to exercise,” Calabro says. “Getting rest is also essential. So many first responders put their work first and their health second. Over the long haul, feeling exhausted takes its toll. That’s why it’s important to take breaks — even short ones.”

Scheduling short periods of rest boosts physical and mental health. “I’m thinking about the old Army slogan, ‘Be the Best You Can Be,’” says Kuris. “The way to be your best self and to serve others is to take care of yourself. That’s where you have to start. That means talking to a professional therapist before the pressure overwhelms you. When you’re not feeling right, that’s the time to get help.”

Integrity Health’s motto is “Lower costs through better health.” The idea is to make services readily available and easy to access, and place a focus on primary care, which includes mental health.

“We go to the doctor for annual wellness visits when we’re well,” Forrester says. “Catching a major illness early is cost-effective.”

Forrester has also talked with officials in Governor Phil Murphy’s office about the COVID-19 vaccine distribution for first responders.

“We’re waiting on shipment of the vaccines and have everything on hand — the administrators, medical personnel and equipment — to start vaccinating first responders,” he notes.

Reports from other Integrity Partnership Health Centers are favorable. Forrester expects word will grow once the Hamilton first responders center is up and running.

“We expect first responders to take advantage of all it has to offer,” he says. “Our first responders pride themselves on being invulnerable. Here at Integrity Health, we begin by penetrating that wall and having our members focus on an immediate goal. It worked for the teachers (in Integrity Health’s Brick Township, Long Branch and Toms River School District Partnership Health Centers). Our members start with something manageable and see immediate results. That’s encouraging, and from there they work on the next steps. It’s finding balance and understanding that mental health is tied into physical health. Knowing that is the path to overall good health.”

2021

When you need some relief from work, Workit

Seriously. How can one be grateful during a pandemic?

“It’s a challenge we’re coping with,” confides Lisa McLaughlin, co-founder and co-CEO at Workit Health, an addiction health-care company that provides online and in-person care through web and native applications.

Indeed, the coming year will make staying healthy even more challenging. The Centers for Disease Control and Prevention reports that essential workers, adults and young adults are experiencing disproportionately worse mental health outcomes, increased substance use and elevated suicidal ideation due to the pandemic.

Fortunately, there’s help.

“We’ve had an almost 40 percent increase of our members connecting socially online,” McLaughlin says.

Workit Health’s app gives first responders the privacy they require to receive the type of mental health care that can help them through these tumultuous times.

“They can connect instantly with a social worker if they need to talk,” McLaughlin says. “They can text and take online workshops or participate in online social groups. Privacy is emphasized, and being online doesn’t mean you have to be seen.”

For law enforcement officers who might need to reach out at any time, Workit Health is a place to turn for the response they are looking for.

“Support is so valuable, especially at this time,” McLaughlin adds. “And the social aspect is especially important because so many of us are isolated due to the pandemic. The workshops are fun and members can join at their convenience, night or day.”

Workshops include everything from learning how to make nonalcoholic mocktails to yoga classes to meditation and much more.

“The key is finding something you enjoy and making time for it,” McLaughlin details. “It could be meditation or kickboxing. In order to stick with it, it must be something you enjoy. Plus, it’s positive because of the social aspect that counters the loneliness.”

Other ways McLaughlin suggests to boost morale include:

- Taking walks
- Going for a run or jog
- Taking a cooking class
- Listening to music
- Exercising
- Eating well
- Getting a good night’s sleep

McLaughlin emphasized the need for sleep. “It’s self-care,” she says, “and self-care also involves taking breaks.”

One of Workit Health’s most popular feel-good apps is the positive affirmations. The app sends texts to members’ phones, asking, “What are you grateful for today?”

“The simple act of focusing on something we’re grateful for encourages a positive mindset,” McLaughlin says. “Science shows self-affirmations lift our spirits.”

First Responders living through a global pandemic

Pain, despair and suicidal thoughts



IRIS
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While 2020 has been a hard year for everyone, there's no doubt that it's added another burden to first responders' already stressful jobs.

Whether they're facing an active shooter, running into burning buildings, entering a home to take a patient with COVID-19 to the hospital or dealing with angry crowds, first responders may be risking their lives on a daily basis.

And even though they may recognize the inherent danger, police officers, firefighters and emergency medical services personnel often fail to address the considerable toll it can take on their mental health.

The numbers prove this truth: studies show that more police officers and firefighters died by suicide than in the line of duty in 2017.

Invincible image

Throughout this year, our country has experienced horrific human loss and trauma. Repeated exposure to death, grief, injury, pain and destruction can result in extreme emotional distress. Even after the crisis, it may feel like the trauma has not yet ended.

Despite the calm concern worn on the faces of first responders during these events, the responder is certainly internalizing the traumatic crisis on a cellular level. During trauma, the body goes into survival mode and may have difficulty stabilizing later. As a

result, stress hormones are constantly released, raising blood pressure and blood sugar and causing inflammation, which over time causes physical damage. Additionally, a constant state of stress may cause muscle tension, leading to additional pain and fatigue.

First responders explicitly value heroism and strength and put others before themselves, so they may feel it is necessary to mask or hide despair and even physical pain. They often internalize the distress and sadness that the entire country is feeling, fearing that if they speak about feeling anxiety or depression, their jobs could be at stake. It is common for first responders to uphold an image of invincibility.

Pain, despair and suicidal thoughts

As a therapist with the First Responder Treatment Services, part of the inpatient program at Penn Medicine Princeton House, I have heard first responders relate that it took them hours, days, or even weeks to emotionally decompress from the intense situation in which they were involved. In our program, we offer a safe space to express those feelings and unburden the load with peers and trained counselors who have also been first responders themselves.

This year has the added stress of a pandemic: First responders may internalize fears about COVID-19 infection and concerns about personal safety for themselves and their families. In addition, grief can be a common human response to the events that they face.

As a result, individuals report what can be described as secondary or vicarious traumatization, which is defined as experiencing similar symptoms to trauma victims as a result of the repeated traumatic exposure via close contact with victims and survivors.

Mental health risks for first responders

First responders are at risk during the pandemic due to:

- recurrent and repeated exposure to death experiences
- traumatic stress which may result in mental health conditions such as anxiety, depression PTSD and, in extreme cases, suicide
- demanding schedules and feeling a lack of safety and security for self and/or family during multiple COVID-19 responses
- keeping silent about mental health symptoms, which can lead to feeling isolated
- difficulty reaching out and seeking care
- worrying about stigma and what colleagues will think about one's need for help.

If left unaddressed, these stressors can result in:

- depression
- anxiety
- PTSD
- substance addiction
- suicidal ideation and suicide.

Help for the first responder

Profound misery needs to be addressed to reduce suicidal thoughts. If you are experiencing symptoms, you may need to seek help in order to begin the healing process. Asking for help is the first step for recovery and healing. Remember: On the street, first responders are always taught to call for backup when we need it.

Iris Perlstein is the clinical coordinator of first responder treatment services at Penn Medicine Princeton House Behavioral Health. To learn more about the Children's Program at Penn Medicine Princeton House Behavioral Health, call 888-437-1610 or visit www.princetonhouse.org.

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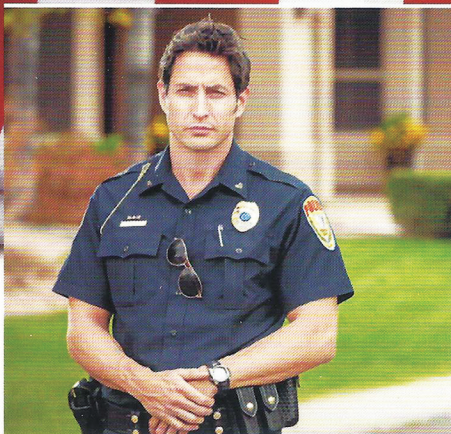
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Experiencing the effects of
"burnout" from trauma & stress?

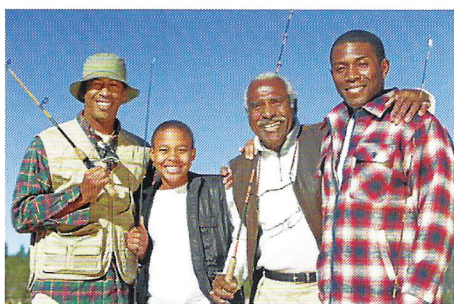


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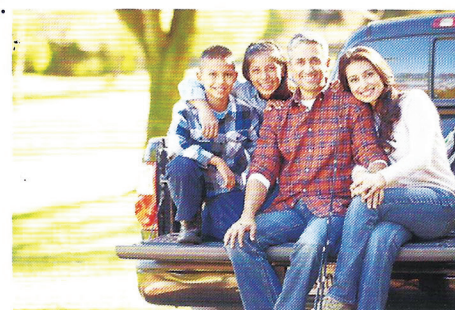
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Know your numbers

How can you know if you're at risk for diabetes, heart disease and other chronic diseases? There is a system of numbers we can use to tell us. By knowing your numbers, you can take action to make positive changes that will help prevent the onset of chronic health conditions.

Here are some of the numbers that are important for you to know:

Blood pressure. People with untreated high blood pressure face greater lifetime health risks. Your blood pressure is also one of the strongest markers for heart disease risk, measured as two numbers:

- Systolic pressure, the upper number, represents the pressure when the heart is contracting.
- Diastolic pressure, the second number, is the pressure when the heart is at rest between beats.

Here are the guidelines for blood pressure:

- Normal: Less than 120/80 mm Hg.
- Elevated: Systolic between 120-129 *and* diastolic less than 80.
- High blood pressure, Stage 1: Systolic between 130-139 *or* diastolic between 80-89.
- High blood pressure, Stage 2: Systolic 140 or higher *or* diastolic 90 or higher.
- Hypertensive crisis: Systolic over 180 and/or diastolic over 120.

People with untreated high blood pressure face greater life-

HEALTHY LIFESTYLE TIPS



time health risks.

Cholesterol levels. Too much “bad” cholesterol can lead to a hardening of your arteries. This can put you at risk for a heart attack or stroke. The American Heart Association recommends getting

your cholesterol levels checked every four to six years.

- LDL is the “bad” cholesterol, and lower is better. It contributes to fatty buildups in arteries (atherosclerosis).
- HDL is the “good” cholesterol. HDL acts as a scavenger, carrying LDL cholesterol away from the arteries and back to the liver. There, it's broken down and passed from the body.

Triglyceride levels vary by age and sex. As the most common type of fat in the body, triglycerides store excess energy from your diet. People with high triglycerides often have a high total cholesterol level. Many people with heart disease or diabetes also have high triglyceride levels.

Get your cholesterol checked and talk to your doctor about your numbers and how they impact your overall risk.

Blood sugar. A glucose test is commonly used to diagnose the presence of diabetes. A fasting blood glucose reading (taken after you haven't eaten for 12 hours) should be below 100 mg/dL.

To make an appointment to have your numbers checked by a cardiologist, visit www.demanddeborah.org or call 855-856-7146.

Custom Health Assessment for New Jersey First Responders



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ASK THE PHYSICIAN

Richard Kovach, M.D.

Director, Interventional
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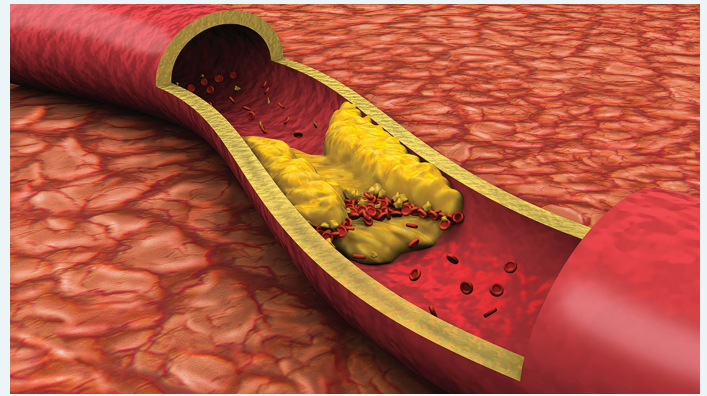
Q: My cardiologist told me that I have blockages in my leg and need further treatment. I'm scared. Will I have to have surgery?

– John, Middletown

A: John, I understand your concerns. Finding out that you have a blockage either in your arteries going to your heart or in the arteries in your legs (peripheral arterial disease) can be very frightening. That said, specialists, like those found at Deborah, have a lot of options when treating this.

First, you will need comprehensive testing to find out the extent and severity of the blockage. An ultrasound or angiogram (with a contrast dye) can give us an excellent idea as to the presence or severity of disease. Blood tests can help determine if there are any factors that may be contributing to the buildup of plaque in your arteries.

With test results in hand, a treatment plan can be put into place. If your condition hasn't progressed too far, medications to control cholesterol, high blood pressure and diabetes, to prevent clots, and to increase blood flow in your arteries are usually our first line of defense. Many times, these can



have a significant impact on your condition.

If, however, you need more aggressive disease management, minimally invasive approaches like angioplasty and stenting are frequently used to open obstructed vessels in your legs, just as can be done in your heart. Peripheral bypass surgery, though very effective at restoring blood flow, is typically reserved only for the relatively few cases where a minimally invasive technique is not an option.

In addition to medical intervention, your doctor can help you create an effective exercise program to help increase blood flow and manage your symptoms.

If you have questions or need a second opinion, the specialists at Deborah are available to discuss your situation.

For an appointment or more information, call 855-856-7146 or request an appointment online at www.demanddeborah.org.

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Beware of tax-time ID theft

Just when you thought that you've done all that was needed to file your taxes this year, you get an urgent email from the IRS that something is wrong and you must reply right away. Don't!

Phishing emails and text messages are the preferred forms of communication for a variety of recent tax-time scams. While they may appear to come from the IRS, they are actually scammers intending to lure you into clicking on malicious links that install malware capable of stealing the personal information on your computer, smartphone or tablet.

What you should know: The IRS doesn't initiate contact with tax-

payors by email, text messages or social media about a tax bill or refund, or to request personal or financial information. This includes requests for PIN numbers, passwords or similar access information for credit cards, banks or other financial accounts. In fact, the IRS initiates most contacts through regular mail or notices delivered by the U.S. Postal Service.

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College Funding Options

You can plan to meet the costs through a variety of methods



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How can you cover your child's future college costs? Saving early (and often) may be key for most families. Here are some college savings vehicles to consider.

529 college savings plans. Offered by states and some educational institutions, these plans allow you to save up to \$15,000 per year for your child's college costs without having to file an IRS gift tax return. A married couple can contribute up to \$30,000 per year. (An individual or couple's annual contribution to a 529 plan cannot exceed the yearly gift tax exclusion set by the Internal Revenue Service.) You can even front-load a 529 plan with up to \$75,000 in initial contributions per plan beneficiary — up to five years of gifts in one year — without triggering gift taxes.

529 plans commonly feature equity investment options that you may use to try and grow your college savings. You can even participate in 529 plans offered by other states, which may be advantageous if your student wants to go to college in another part of the country. (More than 30 states offer some form of a tax deduction for 529 plan contributions.)

Earnings from 529 plans are exempt from federal tax and generally exempt from state tax when withdrawn, so long as they are used to pay for qualified education expenses of the plan beneficiary. If your child doesn't want to go to college, you can change the beneficiary to another child in your family. You can even roll over distributions from a 529 plan into another 529 plan established for the same beneficiary (or another family member) without tax consequences.

Grandparents can start a 529 plan (or other college savings vehicle) just like parents can. In fact, anyone can set up a 529 plan on behalf of anyone. You can even establish one for yourself.



These plans now have greater flexibility. Thanks to the federal tax reforms passed in 2017, up to \$10,000 of 529 plan funds per year may now be used to pay qualified K-12 tuition costs.

Coverdell ESAs. Single filers with modified adjusted gross incomes (MAGIs) of \$95,000 or less and joint filers with MAGIs of \$190,000 or less can pour up to \$2,000 into these accounts annually, which typically offer more investment options than 529 plans. (Phaseouts apply above those MAGI levels.) Money saved and invested in a Coverdell ESA can be used for college or K-12 education expenses.

Contributions to Coverdell ESAs aren't tax deductible, but the accounts enjoy tax-deferred growth, and withdrawals are tax free, so long as they are used for qualified education expenses. Contributions may be made until the account beneficiary turns 18. The money must be withdrawn when the beneficiary turns 30, or taxes and penalties will occur. Money from a Cover-

dell ESA may even be rolled over into a 529 plan.

UGMA & UTMA accounts. These all-purpose savings and investment accounts are often used to save for college. They take the form of a trust. When you put money in the trust, you are making an irrevocable gift to your child. You manage the trust assets until your child reaches the age when the trust terminates (i.e., adulthood). At that point, your child can use the UGMA or UTMA funds to pay for college; however, once that age is reached, your child can also use the money to pay for anything else.

Whole life insurance. If you have a permanent life insurance policy with cash value, you can take a loan from (or even cash out of) the policy to meet college costs. Should you fail to repay the loan balance, obviously, the policy's death benefit will be lower.

Did you know that the value of a life insurance policy is not factored into a

student's financial aid calculation? If only that were true for college savings funds.

Imagine your child graduating from college, debt free. With the right kind of college planning, that may happen. Talk to a financial professional today about these and other savings methods.

Bruce Linger is a representative with Lincoln Financial Advisors and may be reached at www.goforanswers.com, 201-556-4564 or bruce.linger@lfg.com. Securities and advisory services offered through Lincoln Financial Advisors Corp., a broker/dealer (Member SIPC) and registered investment advisor. Insurance offered through Lincoln affiliates and other fine companies. 61 South Paramus Road, NJ 07652 201-556-4500

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If you would like more information on joining the PBA or starting a Local, please contact the NJ State PBA Office in Woodbridge at 732-636-8860.

State PBA Meetings

Every month except August, the State Board of Delegates meets to discuss the business of the organization. All members in good standing are welcome to attend. See Page 8 for meeting locations and dates.

Clinical Services

On-site counseling for individuals and family members, training seminars (e.g. suicide, stress, PTSD, etc.) & general consultation on mental health is available to PBA Members at no cost. For services, call 732-636-8860 or for the 24-hour emergency hotline call 732-609-3554.

PBA License Plates

Every member of the PBA may have PBA license plates issued to them for display on vehicles owned or registered to the member or the member's spouse. There is a \$50 fee.

Courtesy Cards

Each year, members are issued 10 PBA Courtesy Cards that can be given to law enforcement supporters.

Family Member Courtesy Cards

Special member courtesy cards are available to members through their State Delegate.

PBA Car Shields

Every member may have up to three shields licensed to them for display in vehicles owned or registered to the member or the member's spouse.

Special Services

The PBA maintains three trailers equipped with refreshment services and other event support functions. These trailers are used at events such as law enforcement funerals, the Polar Bear Plunge and other events members attend. The trailers are also available for Locals' functions.

Keeping the Members Informed

The State PBA is the only Law Enforcement Union in New Jersey that provides its membership with a full-color, monthly magazine that contains real-time news and information about events and happenings that affect your working conditions. *NJ COPS* is mailed directly to the homes of our active and Local 600 members.

Peer Assistance Response Team

For assistance with any issues related to mental health, addiction, suicide prevention or critical incidents, contact:

- **Dr. Eugene Stefanelli**
Clinical Services Director Hotline:
732-609-3554
Cell: 973-768-5300
- **Mauro Farallo**
Peer Liaison Committee Chairman
Cell: 973-902-7821
- **Cherie Castellano**
Executive Director Cop-2-Cop
Hotline: 866-267-2267
Cell: 732-713-8037
- **Dr. Michael Bizzarro**
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Cell: 732-771-7165
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The LPP is owned and operated by the PBA, exclusively for PBA members. It is not an insurance policy purchased from some out-of-state company or one concocted by an attorney for profit.

Line of Duty Death Benefits

Beneficiaries of PBA members killed in the line of duty as a law enforcement officer or member of the National Guard or Reserve will receive a \$25,000 death benefit provided by the NJ State PBA Survivor & Welfare Fund.

NJ COP SHOT

A \$20,000 reward will be offered for the arrest and conviction of an assailant who seriously injures any law enforcement officers regardless of their employer or union affiliation.

Labor Relations Assistance

Labor consultant Mike Freeman is available to assist PBA Locals and SOAs with labor and discipline representation and research questions.

Union Leadership Training

Training for Local State Delegates, presidents, and other executive board members is provided at the State PBA office on a regular basis.

PBA Scholarships

40 scholarships are awarded annually to children of PBA members.

California Casualty Auto and Home Insurance

Auto, home and renter's insurance available exclusively for PBA members' households. For information, members can call 866-829-5867.

Benefits and Retirement Planning

Pete Andreyev conducts regular retirement and benefit planning seminars at PBA Headquarters in Woodbridge and throughout the state. The workshops are open to members and their spouses. The service is provided at no cost to members.

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