

GEORGIA ASSOCIATION OF CHIEFS OF POLICE

Online Quarterly News

4th Quarter 2014



Celebrating 53 Years of Commitment to Excellence in Law Enforcement

Message from the President



I want to start by thanking all our members and guests that attended the 2014 Summer Conference and banquet, which was conducted in less than two hours, as promised. The GACP Staff did an excellent job putting the Summer Conference together. I am thankful and grateful for their devotion and tireless efforts. The GACP Board is dedicated to providing you with the best training, information and fellowship possible, but we need your input to make it happen. I ask for and need your comments and ideas so that we can enhance and continually improve not only our conferences, but services in general to our membership. I appreciate the time our Past President David Lyons and Executive Director Frank Rotondo spent preparing me to serve our association. I am also personally grateful and thankful for the opportunity to serve as the President of the GACP and thank you for your continued support.

Shortly after our conference I had the opportunity to visit several other conferences this summer including: the Georgia Gang Investigators, POAG and our GACP Administrative Staff Conference. All of these events were well attended and well conducted. I enjoyed speaking with those in attendance at each conference, especially everyone that attended our Administrative Staff Conference in Athens, Ga. Also, one extraordinary highlight of the POAG conference was getting to meet and spend some time with Taser CEO Rick Smith. Rick was the keynote speaker at the conference and shared his thoughts on the ever-increasing impact technology is currently having and will continue to have on law enforcement as we move forward in the 21st Century.

Speaking of moving forward, the 2014 – 2015 Legislative session is rapidly approaching. I ask each member to stay abreast of what is going on under the “Golden Dome” this year. I am sure this will be a very active year for us with everything from medical marijuana to the DOD 1033 program being vetted. It is very important for each member to know and communicate with his or her State Legislator and Senator. Frank puts out a ton of information each year and we all have to do our part by staying on top of it and discussing important issues that will impact us as GACP members, Law Enforcement Officers and Citizens of Georgia. I plan to personally stay in touch with POAG, GSA, GMA and PAC on matters as they develop and will certainly work to have a unified voice on the key concerns this session will present us.

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In closing, we must remember that the shade we enjoy on hot summer days comes from the Oaks planted by those that came before us. We have had many leaders plant seeds that benefit us today. One such leader is a recently departed past GACP President, Chief George Potter. To Chief Potter and all the other Law Enforcement Leaders that have planted these seeds and given us the vision we need to succeed - THANK YOU. We will make you proud.

Keith Glass

GACP President, 2014-2015



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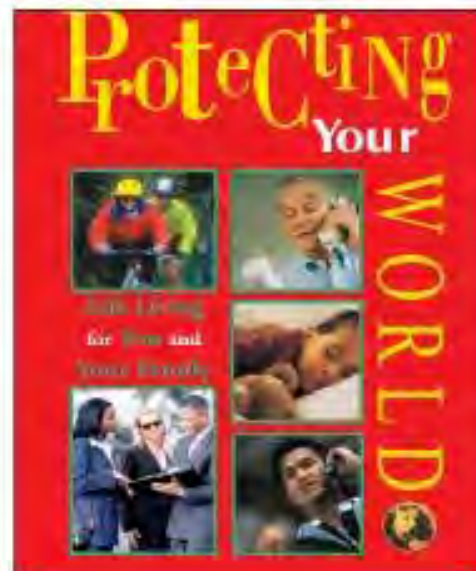
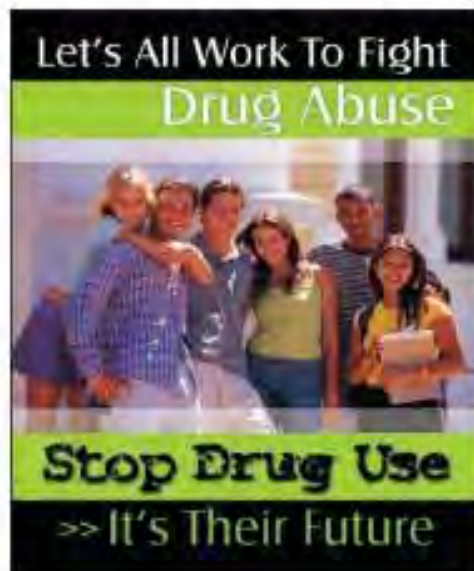
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Executive Director's Message



Frank V. Rotondo
GACP
Executive Director

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It has been a busy few months for your GACP staff and every day has been filled with a new challenge. We started off in late spring with weeks and weeks of prep work associated with pulling off another successful conference. This year's conference included a changing of the guard that was somewhat unusual in that the voting members needed to fill two key spots on the GACP Executive Board. Once the dust settled, two top-quality law enforcement professionals were elected by the voting membership; Chief Dennis Nelson and Chief Joe Wirthman became GACP's new 3rd and 4th VPs. Both of these newcomers are now making decisions that will continue to propel us forward so that, in my humble opinion, we can maintain our status as the BEST state law enforcement management association in the country.

I would be thoughtless if I did not mention that shortly after the conference, our newly elected 3rd VP, Chief Dennis Nelson, was offered another position in law enforcement as the Warden of the Clayton County Correctional Facility. The salary, as well as the benefits accompanying the offered position, was much higher than that of a police chief in his city. Therefore, he accepted this new opportunity involving the oversight of the facility and staff of approximately 75 employees. Dennis was very concerned as to whether our constitution would allow him to continue his service as an elected Executive Board Member. Consequently, on behalf of the Executive Board, I personally researched our association's constitution and by-laws. Also, our General Counsel, who serves as our Parliamentarian, independently researched the topic. We both concurred that Dennis Nelson "can" hold a position on the GACP Board. The Clayton County Correctional Facility is a state law enforcement agency in its truest sense. Likewise, our association does not exclude wardens from being Active Members who are eligible to pursue an elected office within the GACP. Dennis affirms he will continue to serve all members of the association with pride.

Another interesting turn of events was the unexpected retirement of the 2nd Vice President of the International Association of Chiefs of Police (IACP), Superintendent of Police Ronal W. Serpas of the New Orleans Police Department. This left two open positions on the IACP Executive Board. With only two pre-announced candidates eligible to fill the two vacant seats, both announced candidates will be sworn-in as new IACP board members in Orlando, Florida. For those of you who have been "out of the loop", our own Louis M. Dekmar of LaGrange, GA is one of these two candidates and will be sworn-in as IACP's 3rd VP the evening of October 28, 2014 at the IACP's annual banquet. It will be an honor to have another GACP Past President serve as an IACP Board Member with anticipation that in a few years, he will become the President of this world-renowned association of law enforcement professionals. Good luck, Lou; and please know every member of this association will make themselves available to help you and the IACP. We are one call or email away if needed!

(continued on next page)

Executive Director's Message (continued)

At our last Board meeting, we discussed possible upcoming legislation that will affect law enforcement in the state. Here are just a few examples:

- The legalization of Medical Marijuana Oils;
- The establishment of firm legal procedures to curtail arbitrary dismissals involving arrests in Driving While Intoxicated cases;
- The legislation of pre-trial identification techniques to include the exclusion of evidence if the letter of the law is not followed, thereby eliminating judges' discretion; and
- The modification of our state's eavesdropping laws to allow body cameras to be used as a method of obtaining evidence, etc.

Well, the list goes on, but I am sure of one thing...I will be asking for your help this upcoming session. In this newsletter, you will find bios of two new GACP employees, June Killian and Monica Duran. Both are outstanding, hardworking, driven individuals that should affirm to you we are not the average association with average employees. These two qualified individuals seem to crave knowledge and want to excel at every task assigned to them. Both June and Monica went through a challenging interview as well as a vetting process before they were offered a position with the GACP. Rest assured that we selected the best of all candidates to join our association of already outstanding staff of committed professionals.

Before I close this newsletter article, I would be remiss if I did not say a few words about one of GACP's Past Presidents, George A. Potter. George passed away at the end of August after fighting a thirteen year battle with cancer. He was a remarkable person who will be missed by all who were fortunate enough to have known him, especially his wife, Connie and their daughter, Erica. If there is a police department in Paradise, I can assure you he will be one of the Lord's Centurions.

I close this article with the statement that GACP is here for you. We are one email or telephone call away, if needed.

Respectfully,

Frank V. Rotondo

Frank Vincent Rotondo

Michael A. Caldwell, General Counsel

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GACP

President

Press Release - July 27, 2014

The City of Monroe's Police Chief, Marvin K. "Keith" Glass, Named President of the Georgia Association of Chiefs of Police

SAVANNAH – Monroe Georgia's Chief of Police, Keith Glass, has been named the 2014/2015 President of the Georgia Association of Chiefs of Police (GACP). The GACP is an association that has served police chiefs and command staff law enforcement personnel for over 52 years and currently represents over 500 Chiefs of Police and other Law Enforcement Agency Heads across the State of Georgia. Chief Glass assumed his role as President of the GACP on the evening of Tuesday, July 27 2014. Part of his new duties includes chairing the Association's Executive Board, and appointing all committee chairs.

Chief Glass has served the State of Georgia and the City of Monroe as a law enforcement professional for over 21 years, serving as the police chief for Monroe since 2002 and was appointed Public Safety Director for the city in 2012. He was also appointed by Governor Deal to the Georgia Peace Officers Standards and Training Council where he serves on the probable cause committee. Chief Glass also had a distinguished military career retiring from the Georgia Army National Guard as a Command Sergeant Major which included a tour in Bosnia with the 1/121st Infantry Battalion.

Contemporaneous with pursuing his desire to be a true law enforcement manager, Keith Glass completed the Georgia Law Enforcement Command College at Columbus State University and the 20th session of the Georgia International Law Enforcement Exchange Program at Georgia State University.

GACP's new President has been married to his wife Kathy for 37 years and has three grown daughters, Kristen, Ashley and Courtney.



*Chief Keith Glass
Monroe Police Department
GACP President*

GACP

3rd

VP

Press Release - July 27, 2014

Metter Police Chief Installed as a Board Member Of the Georgia Police Chiefs' Association

SAVANNAH – Police Chief Dennis Nelson was sworn in as the new 3rd Vice President of the Georgia Association of Chiefs of Police (GACP) on Tuesday, July 29, 2014. The GACP is the organization that represents Chiefs of Police from across the State of Georgia and, as one of its duties, is responsible for the training and professional development of all Chiefs of Police.

Chief Dennis Nelson has been in law enforcement for the past 34 years. He was appointed Chief in Metter, Georgia, in 2011. Prior to his current position, Chief Nelson worked for the cities of Acworth, Milton and Roswell in executive level positions. He also worked for the Forsyth, Gwinnett and Fulton County Sheriff's Offices. Chief Nelson holds a Bachelor's degree in Criminal Justice Administration, and is a graduate of the Georgia Law Enforcement Command College and the Southern Police Institute.

Chief Nelson is an active member of many professional associations such as the International Association of Chiefs of Police (IACP), Georgia International Law Enforcement Exchange Program (GILEE), Ogeechee Technical College Advisory Board and many other professional and local civic organizations.

Chief Dennis Nelson has been quoted about his recent accomplishment of being installed as the GACP 3rd VP by saying, "I appreciate the confidence my peers have shown in me by electing me to the Georgia Association of Chiefs of Police Board. It is truly an honor and I am very eager to continue serving the police chiefs of Georgia in this new capacity."

Chief Nelson has been married to his wife Dawn for almost 25 years, and they have two adult children, Stephen and Jonathan.



*Chief Dennis Nelson
Metter Police Department
GACP 3rd Vice President*

GACP

4th

VP

Press Release - July 27, 2014

Jefferson Police Chief Installed as a Board Member Of the Georgia Police Chiefs' Association

SAVANNAH – Police Chief Joseph Wirthman was sworn in as the new 4th Vice President of the Georgia Association of Chiefs of Police (GACP) on Tuesday, July 29, 2014. The GACP is the organization that represents Chiefs of Police from across the State of Georgia and, as one of its duties, is responsible for the training and professional development of all Chiefs of Police.

Chief Joseph Wirthman has been the Chief in Jefferson for the past seven and a half years.

Prior to his current position, Chief Wirthman worked for the Fort Pierce, Florida, police department. He retired from that position to take the job in Jefferson. Chief Wirthman holds a Master's Degree from Nova Southeastern University and a Bachelor's Degree from the University of Central Florida. He is also a graduate of the Southern Police Institute and the Georgia Law Enforcement Exchange Program.

Chief Wirthman is an active member of many professional associations such as the International Association of Chiefs of Police (IACP), Florida Criminal Justice Executive Institute Association, where he is a past president. He is a member of several local organizations in the community such as the Kiwanis International, Rotary and the American Legion.

Chief Joseph Wirthman has been quoted about his recent accomplishment of being installed as the GACP 4th VP by saying, "I am honored that my peers have elected me to be their representative voice on matters that impact the criminal justice system in the great state of Georgia".

Chief Wirthman has been married to his wife, Kathy, for 23 years and they have three children, Alexandra, Joshua and Taylor.



*Chief Joseph "Joe" W. Wirthman
Jefferson Police Department
GACP 4th Vice President*



Chief of the Year

The Georgia Association of Chiefs of Police (GACP) has named Joseph H. "Jack" Lumpkin, Police Chief for the Athens Clarke County Police Department (ACCPD), as this year's Outstanding Chief of the Year. Chief Lumpkin was selected as the 2014 recipient for his proactive contributions to his department, to the GACP, and to the state's law enforcement community. Chief Lumpkin was presented with this prestigious award Tuesday evening, July 29, 2014, at GACP's annual banquet in Savannah.

Chief Lumpkin's service began with the City of Athens in 1972 where he rose through the ranks to the position of Major. Chief Lumpkin then became the Police Chief for the City of Toccoa, Ga. in 1992 and then the City of Albany, Ga. in 1994. Chief Lumpkin was appointed Chief of the Athens Clarke County Police Department in 1997 and has served in that position for the past 17 years.

Chief Lumpkin achieved many accomplishments throughout his career, one of which was the obtainment of the National Law Enforcement Accreditation from CALEA with "Gold Standard" honors and State Certification. Chief Lumpkin instituted "Eye on Athens" that was initiated as a downtown camera safety system and has since expanded to include the Central City Camera initiative. Both systems have directly related to a reduction of Part One crimes by 10.5% in 2013. A Part One crimes are serious crimes that include homicide, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft and arson.

On a personal level, Chief Lumpkin received his Bachelor's degree in Criminal Justice from Brenau University and Master's degree from Columbus State College and University, and is a graduate of the FBI National Academy.

Chief Lumpkin continues to serve as the ACCPD Chief of Police. He is a member of the GACP, the International Association of Chiefs of Police and is a board member with National Organization of Black Law Enforcement Executives.

*Chief Joseph H. "Jack" Lumpkin
Athens Clarke County Police Department
Outstanding Chief of the Year
2014*



McClung/Motorola Award of Excellence

Chief Wayne Wilcox and his department, Armstrong Atlantic State University Police Department (AASUPD) has been named the recipient of the 2014 Dr. Curtis E. McClung/Motorola Award for Excellence by the Georgia Association of Chiefs of Police. (GACP) This award, which is co-sponsored by the Motorola Corporation, is given annually to an agency in recognition of an innovative program initiated by the department that fosters law enforcement excellence. Chief Wilcox and representatives from the University received the award on Monday evening, July 28th, 2014.

Cybercrime is possibly the fastest growing crime trend in the country according to some nationally recognized experts. However, the ability of law enforcement agencies to retrieve cyber data from electronic devices remains difficult. A lack of forensic capability along with a backlog of cases at forensic labs hindered law enforcement from pursuing this valuable data evidence collection. AASUPD initiated a Cyber Forensics Division within their 18 member agency in conjunction with the criminal justice program. This program has positively impacted not only surrounding local agencies in reducing the 6-18 month wait time for results from conventional labs, but also state and federal agencies. In fifteen months, the AASUPD Cyber Forensics Division conducted forensic data recovery for over 500 devices impacting over 200 federal and state criminal cases. The CFD provides both the criminal justice and computer science students with a real world practical internship under the supervision of on-duty police officers one of which is an attorney and an expert in cybercrime. Additionally, each officer has undergone extensive training in forensic data recovery. The program prepares students for the workplace with real world experience. This capability is provided at no charge to local agencies.

There were two runner-ups to this award both with outstanding community relation programs - the Conyers Police Department and the Covington Police Department. Both runner-ups received \$500 to foster the growth of those very professional community relations programs.

This prestigious award is named after Dr. Curtis McClung of Columbus, who is credited with bringing Georgia's law enforcement community into the modern era while also assisting the GACP in its pursuit of excellence, especially with respect to management training.

*Armstrong Atlantic State University
Police Department Savannah, GA
Chief Wayne Wilcox
McClung/Motorola Award of Excellence
2014*



Special Service Award

The Georgia Association of Chiefs of Police (GACP) has named the Director of the Georgia International Law Enforcement Exchange (GILEE) Dr. Robert R. (Robbie) Friedmann as this year's recipient of the Special Service Award. Dr. Friedman was presented with this prestigious award by GACP's 2013/2014 President David L. Lyons on Tuesday, July 29, 2014, at GACP's annual summer training conference banquet in Savannah, Georgia.

Dr. Friedman's association with law enforcement in Georgia began in 1989 when he was selected as the department chair for the Department of Criminal Justice, College of Health and Human Services at Georgia State University. Dr. Friedman initiated the GILEE program as a way to foster international relations among law enforcement executives. The program sponsors law enforcement executive's travel to Israel to interact with foreign executives and receive firsthand knowledge on the operations of their departments. This experience enables them to better integrate concepts learned into planning and organizing large scale events. The program also gives executives the opportunity to see "up close" the challenges faced by the Israeli Security Forces as they face heightened terrorism challenges. To date, over 600 law enforcement executives from the state of Georgia have participated in the GILEE program.

Dr. Friedmann lives in the Atlanta area with his wife. He enjoys jazz and classical music, however, his true passion the fostering of relationships through the GILEE program.

Dr. Robert R. (Robbie) Friedmann
Special Service Award
2014



GEORGIA ASSOCIATION OF CHIEFS OF POLICE RESOLUTION

RECOGNITION AND CONGRATULATIONS FOR SUPERIOR PERFORMANCE

Submitted by President David Lyons, the Executive Board, Executive Director Frank Vincent Rotondo, Staff, and an appreciative State Wide Membership of the Association.

- WHEREAS,** Dr. Cedric L. Alexander serves as DeKalb County Georgia's Deputy Chief Operating Officer in charge of Public Safety and is a member in good standing with the Georgia Association of Chiefs of Police; and
- WHEREAS,** Dr. Cedric L. Alexander's law enforcement career has spanned more than three decades where he has served in many capacities, and where he has always distinguished himself as a person with an extraordinary work ethic; and
- WHEREAS,** Dr. Cedric L. Alexander has obtained a superior level of education from Colleges, Universities, and Professional Academies; and
- WHEREAS,** Dr. Cedric L. Alexander continues to serve the law enforcement profession by having published articles on police stress and burnout, and currently lectures on topics of management and leadership. He also serves with his selfless membership on important and critical boards, committees, and commissions in order to strengthen and improve the law enforcement profession; and
- WHEREAS,** In July of 2014, Dr. Cedric L. Alexander's leadership, professionalism, and dedication to the law enforcement community has resulted in his being sworn in as the President of the National Organization of Black Law Enforcement Executives (N.O.B.L.E.); be it hereby
- RESOLVED,** That the Georgia Association of Chiefs of Police, upon the request of President David Lyons, the Executive Board, Director Frank Vincent Rotondo, Staff, and the State Wide Membership of the Association, desire to express their congratulations, and honor the exceptional service and achievements of Dr. Cedric L. Alexander as he now becomes the President of the National Organization of Black Law Enforcement Executives (NOBLE).

So ordered upon this 28th day of July, 2014

David L. Lyons



Mark Bender
GACP Director of
State Certification

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State Certification Director's Corner

I want to take this opportunity to invite all Chiefs and Sheriffs to consider State Certification for their agency. The State Certification program is administered by the GACP and is a program based upon current best practices in law enforcement. State Certification is a voluntary program that is an obtainable goal for most agencies in the state.

Why become State Certified? The benefits of State Certification are tangible and can potentially save your agency money with the possibility of reduced liability premiums. For example, if your agency is insured through GIRMA, you may qualify for a discount of up to 20% in liability premiums. Other carriers may offer a discount, however, it is up to the individual carrier. Perhaps the greatest benefit is an intangible one: public confidence. A certified agency that has a good policy and procedures manual that is enforced starting at the lowest level and working up and down the chain of command, the public notices.

What are the standards? The Standards Manual is broken down into eight chapters, each dealing with a different function.

Chapter 1 outlines the Role and Responsibility of the agency and includes training, code of conduct, ethics and use of force, to name a few.

Chapter 2 defines the Organization and Management of an agency. Written directives and who may issue them in absence of the CEO and an organizational structure.

Chapter 3 addresses Personnel and what an agency must do before hiring anyone ie; polygraph or voice stress analyzer, background investigation etc. It also addresses promotional procedures.

Chapter 4 is the Legal chapter and addresses the serving of warrants, confessions and admissions, advising defendants of their rights, and first appearance hearings.

Chapter 5 is the largest chapter and outlines the Operational functions of the department. Patrol functions, pursuits, preliminary investigations, follow-up investigations, traffic enforcement, juveniles, informants, SWAT, and unusual occurrences.

Chapter 6 is the Support Services chapter. Records, evidence, FTO program, victim/witness assistance and reserve/auxiliary officer programs.

Chapter 7 is the Communications function. Since many agencies are now part of a regional 911 type of communications center, smaller agencies have found it easier to comply with the Standards in this chapter.

Chapter 8 addresses short-term holding facilities, if the agency operates one.

In order to assist agencies and make it easier to develop policies that meet the State Certification standards, GACP has updated the Model Law Enforcement Manual. The updated manual tracks and identifies the Standards to the policy. Many of the policies were updated to come into compliance with the state standards. Agencies can modify each policy to best reflect the needs of its community.

Get started, get Certified!

Mark Bender

Director, State Certification



Paul Maharry
GACP
Training Director

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Message from the Training Director

The 2014 Summer Training Conference was, for the most part, a success. We did have one block of instruction that didn't hit the mark based on comments from some of the attendees. I'm reminded that even Babe Ruth's batting average wasn't 1,000. For those baseball fans out there his lifetime average was .342 with 714 home runs and 1,330 strike outs, so we seem to have a pretty good batting average with our conferences. We've been very fortunate over the years of having high caliber instructors who have put on dynamic presentations so an anomaly from time to time is not unusual. Thank you for understanding and we will continue to strive and find the best presenters possible and encourage your suggestions of training topics important to your agency and the citizens you serve.

One of the most discussed programs of the conference was the legal update regarding HB60. Since the law is about as clear as mud, we certainly appreciate the dedication of John Rowell in putting the information out to the 494 police chiefs and command staff that were in attendance for this program. Rest assured that GACP Executive Director Frank V. Rotondo will continue to monitor legislation on this oftentimes controversial topic and provide you with information important to your agency.

We were impressed with the Okey scanners used at the conference and the dedication of the chiefs and commanders who helped with the 2,961 scans for the entire conference. To help understand the process, once we all return to the office we "marry" the scan in and scan out time to make sure everyone is in compliance with POST rules. The scanning process is always a work in progress so your suggestions are welcome to make it easier and better.

We recently completed a training seminar in Hiawassee titled, "Legal Issues Update" with 33 police chiefs and law enforcement officers from around the state in attendance. A special "thank you" to J. Dale Mann retired director of GPSTC who is devoting his time and expertise in making this training available. Dale has agreed to provide this same block of instruction on Wednesday, December 3rd at the Little Ocmulgee State Park & Lodge in Helena.

The 2015 Winter Training Conference will take place in Augusta at the Marriott and new convention center which is conveniently located in the same complex. Since the center is large enough to accommodate vehicles, we are setting a goal to increase vendor participation since vehicles always have tremendous draw at our conferences. Continue to monitor your emails for this conference and other training opportunities that are available.

I Look forward to seeing many of you at the Chief Executive Training Class which begins September 29th!

Paul Maharry
Director, Training



Message from the Director of Operations

I would like to take a brief moment to introduce myself and explain the various duties I perform as the Director of Operations for GACP.

I began my law enforcement career as an employee of the Cherokee Sheriff's Office in 1999 where I was promoted through the ranks to become a lieutenant. My career path progressively focused on the administrative side of law enforcement, specifically policy and procedure creation, legal research, State Certification, C.A.L.E.A., and promotion process development, to name a few. I spent my last few years at the Sheriff's Office as the Accreditation and State Certification Manager for the agency. A year following very successful State Certification and C.A.L.E.A. on-sites, I transferred from the Sheriff's Office to the Cherokee County Marshal's Office where I was quickly appointed as the Deputy Chief, and then the Interim Chief.

Timing is everything, and I saw the Director of Operations position become available during the time that I was reassessing my future career goals. I applied for the position with GACP and after completing a rigorous selection process, I was offered the position.

Since becoming a GACP staff member, I have been actively participating in the Georgia Homeland Security Task Force meetings and the Governor's Strategic Highway Safety Plan Task Team Summit, where I am a member of the Traffic Crash Records/Data Team. I look forward to continuing these partnerships and being a catalyst to strengthen the relationships, communication, and information sharing between these groups and GACP's members.

Another important function of my position involves conducting both Promotion and Chief Selection Assessment Centers. Agencies seek GACP's assistance to provide a fair and unbiased promotional process and a vigorous and detailed Chief selection process. Since I began in the beginning of July, we have held three Assessment Centers and have a handful more before the end of the year!

Finally, I am responsible for conducting research on legal, professional, and current news items that may be of interest to law enforcement. It especially important for law enforcement to keep pace with the changing legal landscape or policing. I sift through and thoroughly vet all available data in order to provide Executive Director Rotondo relevant and timely information on items of interest to our profession. I am thankful for the opportunity to support Georgia's law enforcement community, and look forward to working with all of you.

June Killian
Director of Operations

June Killian

GACP

Director of Operations

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New Administrative Staff Introduction



**Monica Duran
New Administrative
Staff Member**

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You may have called the GACP office lately and encountered a new voice with a somewhat southern drawl. That voice belongs to me, Monica Duran, the new Administrative Assistant. I know the name is deceptive, but the last name really doesn't belong to me-it is borrowed. I am just a small town Southerner from Flovilla, Georgia who has ventured into the big city.

In all actuality, this small town girl has lived far from a sheltered life. Prior to joining GACP, I worked in several organizations that exposed me to tough situations and issues I never thought I'd face, especially after growing up in the middle of nowhere. My previous positions included student services/campus security, child protective services, foster care, domestic violence legal aid services, and sexual assault advocacy. Slowly, my small town ways faded as these jobs taught me to balance my days, manage my time, work at a fast pace, plan for the unpredictable and adapt to change.

My last position before coming to GACP was Director of Victim Services at a sexual assault center that provided services to 7 counties in the South Metro Atlanta area. Not only was I given the opportunity to help victims of sexual assault and domestic violence, I was able to work alongside law enforcement officers, district attorneys, solicitors, mental health practitioners, and medical professionals. Taking in each entity's obstacles, points of view, and regulations was truly a humbling experience. While my professional background has been a combination of helping and enforcing roles, the issues and population served has been the same as those served by the wonderful chiefs and officers who are also members of GACP.

After 13 years of working for government and small non-profit agencies, I have become accustomed to wearing many hats and being a "jack of all trades". Luckily, these skills have also come in handy at GACP. I am glad to have found a place that can use my unique experiences and background.

So far, I have been able to help out in a variety of administrative functions around the office. I have even dusted the cobwebs from my old BA in English and MBA and put them to work, too. I have been given new responsibilities almost daily and I have been eager and willing to take on anything thrown at me. After all, anyone who has worked in our line of work for a significant amount of time is always up for a challenge.

Monica Duran
Administrative Assistant

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STATE WIDE CONTRACT HOLDER

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To: All Active, Life & Professional Members
From: Frank V. Rotondo, GACP Executive Director
Re: Important Information Regarding 2014 IACP Elections
Date: August 30, 2014

Please take a moment to read the latest update on the 2014 IACP Elections from Chief Lou Dekmar:

Hello Friends and Supporters,

An interesting turn of events has resulted in a change of plans. The IACP 2nd Vice-President, Ron Serpas, resigned his seat on the IACP Executive Board following his announced retirement from the New Orleans Police Department. Consequently, the remaining Board Members advanced in position on the Executive Board leaving two open positions. I have now filed as the only candidate for the open 3rd Vice-President seat. Insofar as no other candidates have qualified for any of the available seats, there will not be an election held in Orlando as previously planned. Details are noted in IACP President Yost Zakhary's letter dated August 29, 2014.

<http://www.gachiefs.com/pdfs/Memo2014IACPElections.pdf>

First, I want to thank each of you for your hard work, financial support, friendship, and the numerous tasks you have undertaken to promote my candidacy. Since December, I have had the privilege of traveling to 43 venues around North America and have been graciously and warmly welcomed by thousands of colleagues and friends. The travel would have been impossible without the fundraising and contributions I received from many of you. These contributions will carry me through to the Orlando Conference. I am grateful to all that have contributed financially to the campaign and appreciate Stacey Cotton (Campaign Manager) and Frank V. Rotondo (Treasurer) for relieving me of the responsibilities of fundraising and expense tracking.

Additionally, I want to express gratitude to each one of you for the important role you played in framing those issues that challenge contemporary police leaders and which will aid in focusing and guiding my efforts on the Executive Board.

Finally, as I have stated repeatedly over the course of this campaign, no one ever gets to a leadership position by his or her lone effort. More importantly, they are not successful in a leadership position without the support of other. Therefore, I will call on you to work with me in addressing the challenges of professional policing in a way that distinguishes us as police chiefs and leaders of our profession.

I look forward to seeing you in Orlando.

Best,

Louis M. Dekmar
Chief of Police
100 Haralson St.

Lou Dekmar

Raffle Winners

The raffle to support Lou Dekmar's campaign for the IACP Executive Board was a great success! It was held at the Summer Training Conference during the business meeting on Tuesday, July 29th. The winners are listed below:



Mike Winfield	2 nights at the Westin
Karen Noweloski	2 GA Wills
Michelle Groover	\$350 Home Depot Card
Chief Randy Johnson	2 nights at the LeMeridian
Will Merrill	2 nights at Embassy Suites
Chief Bill McBride	2 Delta Tickets
Tre Lewis	2 nights at the Omni Hotel
Chief Keith Glass	Visa Gift Cards
John Wengent	Glock Pistol
Maj (ret) Doug Bolton	SCCY Pistol
Anthony Miller	Steyr Pistol
Ed Lacy	Gold Package Chateau Elan
Chief Elaine Snow	Most Tickets Sold— winner of a Glock Pistol

*Monsignor Donald Kiernan,
Founder - GA Association of Chiefs of Police -
Named to the Advisory Board of the Jekyll Island*

Monsignor Donald Kiernan is known throughout the state as being a trailblazer. If Monsignor had not been a priest, he would have either been in law enforcement or politics. In 1962, he co-founded the Georgia Association of Chiefs of Police and served as its Director and Chaplain for over 20 years. He continued his service in law enforcement as chaplain for the Georgia State Patrol, the Georgia Bureau of Investigation, the DeKalb County Police Department, the Atlanta Bureau of Alcohol Tobacco & Firearms (ATF) and was the first chaplain for the Sandy Springs Police Department.

Upon his retirement in 2011, Governor Nathan Deal, the Georgia House and the Georgia Senate honored Monsignor during Monsignor Donald Kiernan Day at the Capital with a proclamation highlighting his contributions to the state and the Catholic Church. He was also recognized during that memorable day at the Capital by over 100 Chiefs of Police from across the state for his contributions to and founding of the Georgia Association of Chiefs of Police. The membership of this organization has grown to over 1,000 executives from law enforcement offices across the state.

I am pleased to announce that recently Monsignor Kiernan was named a member of the Jekyll Island Foundation Advisory Board. Monsignor's love for Jekyll Island is well known. His first assignment after being ordained by Cardinal Richard Cushing in May 1949 was as an assistant rector of the Cathedral of St. John the Baptist in Savannah, Georgia. It was shortly after his time in Savannah that he first discovered Jekyll Island, and it quickly became his favorite place to spend his vacations and leisure time. Being named to the Advisory Board of the Jekyll Island Foundation fulfills a longtime dream of Monsignor's to give back to Jekyll Island.

About Monsignor Kiernan

As most of you know, Monsignor Kiernan has been a vital part of the growth of the Catholic Church in the State of Georgia. When he arrived in Georgia in late 1949, the only diocese in the state was in Savannah. Georgia was predominantly protestant with fewer than 50,000 Catholics and a hand full of churches scattered across the state. During his storied 65 years as a priest, Monsignor has witnessed the Church growing to more than one million parishioners, the archdiocese of Atlanta being formed and over ninety Churches being constructed in North Georgia. For over 25 years, Monsignor Kiernan served as Pastor of All Saints Catholic Church in Dunwoody, where he saw the Parish grow from 700 families to over 2,400 families. In April 2000, Archbishop Donoghue named Monsignor Vicar General of the Archdiocese of Atlanta.

During the second week of February, after the annual Parish Renewal, Monsignor always traveled to Jekyll with a hundred or so of his closest friends for the annual Jekyll and Hide weekend. Former Jekyll Island Director of Golf and member of the Georgia Golf Hall of Fame, Johnny Paulk, organized the golf tournaments. The group could be found evenings at Latitudes or one of the many other great restaurants on Jekyll.

His Parishioners and everyone in the community and the state love Monsignor. He served as the Grand Marshall of the Dunwoody July 4th Parade and was the first recipient of the keys to the newly minted City of Dunwoody in 2009. Kiernan Hall on the campus of All Saints Church, serves as the meeting place for Boy Scout Troup 434 that he established, as well as the All Saints Knights of Columbus.

During his Priesthood, Monsignor has been recognized by numerous organizations including being named as Prothonotary Apostolic (highest rank of Monsignor) by Pope John Paul I, the Howard "Red" Atherton Award for commitment to betterment of local government in Georgia, an honorary Ph.D. from Georgia State University, an honorary L.L.D. from Providence College and an honorary Doctorate of Public Administration by Biscayne College. Archbishop Gregory named Monsignor the Pastor Emeritus of All Saints Catholic Church in 2011.

Danny Ross, Vice Chairman
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Equip Police With Anti-Overdose Meds

Wednesday, Sept. 10, 2014

By **Ken Ball** (police chief in Holly Springs)

As a 40-year law enforcement professional, I can say there is nothing I haven't seen or done that could shock me. But there has been nothing as grueling as telling one of my troops her 20-year-old daughter was found dead on the side of a road, another drug addiction victim.

It was a defining moment for me as a chief, public servant and friend. I never took the alarming rise in opioid addiction lightly, especially when a pain clinic attempted to set up shop in Holly Springs, but this one hit close to home.

The basic objectives for law enforcement officers have not changed in the 40 years since I started: to protect, serve and save lives. I have met many people who dismiss victims of drug overdose as addicts who did it to themselves, junkies or trash; however, that is far from the case.

Young, bright, intelligent and thriving kids are dying from opioids. Young adults, middle-aged adults and now, older adults are victims. These victims are someone's mom, dad, daughter, son, brother, sister or friend. Their lives are worth saving. This drug affects all walks of life: homeless, lower-income, middle-income and wealthy.

Law enforcement officers should try to prevent these deaths. This is what we took an oath to do. It wasn't but a few months after Taylor Smith's death that her mother, Holly Springs police Lt. Tanya Smith, advocated for the Georgia 911 Medical Amnesty law. It grants amnesty from drug-related arrests if a 911 call is made for a person overdosing.

I was with her when she testified in front of the Judiciary Committee about the effects of this law and how it could have saved her daughter's life, how law enforcement is often the first to arrive on the scene of a 911 call for help, and how those precious few moments could be the difference between life and death for an overdose victim.

I knew then, as I knew the day I told her about Taylor's death, that there is no longer an excuse for police departments not to train and equip officers with naloxone (an anti-overdose drug). There is an epidemic in this country. It is our job to be prepared and respond when called upon. Some may say we are obscuring the lines between EMS and police; I say we are being responsible and proactive public servants.

When Smith came to me with a plan to make Holly Springs the first police department in Georgia to implement a naloxone program, it seemed like the expected next step for the agency to take. After research and discussions with respected medical doctors, training was completed, and naloxone was at each officer's disposal. The program was up and running within six weeks of the law taking effect.

Who could have predicted that within another six weeks after that training, we would have two overdose reversals? I can't help but wonder, would those two people be alive today if we had simply been satisfied with the law passing, if we hadn't taken the next logical step of putting naloxone in patrol cars?

I've watched a man die from heroin overdose. I attempted to save him with CPR, which does nothing for an overdose victim. It is a helpless, empty feeling not being able to save a life.

I have confidence no Holly Springs officer will have to experience that feeling. Equally I have confidence two families and two victims have that second chance at life and the chance to get professional help. I can only pray other police agencies will follow suit and implement an anti-overdose program.



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Chiefs' Counsel's Corner

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The Case of the Cantankerous Cop



In *Weaving v. City of Hillsboro*,¹ the U.S. Court of Appeals for the Ninth Circuit *overturned* a jury and lower court finding that a police officer with Attention Deficit and Hyperactivity Disorder (ADHD) had a “disability” within the meaning of the 2008 amendments to the Americans with Disabilities Act (ADA). The Ninth Circuit held that the former officer was **not** disabled. It reasoned that the police officer’s ADHD – and his resultant abrasive behavior toward his co-workers – did not “substantially limit him in the major life activities of working or interacting with others.”

Before Congress adopted the 2008 amendments to the ADA, this decision hardly would have been noteworthy. However, with the far more expansive interpretation of “disability” included in the 2008 ADA Amendments Act (ADAAA), the *Weaving* case is very noteworthy in that it runs contrary to the tendency of courts to err on the side of finding threshold protection under the ADAAA.

The ADAAA Purpose:

Congress enacted the ADAAA to reverse a series of U.S. Supreme Court and appellate court decisions that had so narrowed the scope of persons who were considered “disabled” under the ADA, that the Act had become an almost meaningless promise. In the ADAAA Congress instructed the courts and the EEOC that “[t]he definition of disability shall be construed in favor of broad coverage of individuals” under the ADA, “to the maximum extent permitted by the terms” of the ADA.² The amended ADA changed the interpretation of “disability” by including a far more expansive interpretation of when a physical or mental impairment “substantially limits” a “major life activity” and therefore qualifies as a disability.

Since the ADAAA’s passage, both the volume of ADA charges filed with the EEOC and the proportion of ADA charges compared to other discrimination law cases at the EEOC significantly have increased.³ In fact, in 2013 the largest proportion of lawsuits that the EEOC filed involved claims of disability discrimination claims. ADA also cases are assigned higher priority under the EEOC’s Strategic Enforcement Plan.⁴ It is not surprising that under the ADAAA, district courts now grant much smaller proportions of summary judgment rulings for employers who claim that plaintiffs lack standing to bring

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the claims because they are not covered as “individual[s] with a “disability.”⁵ More summary judgment cases focus on the “merits” of the claims, *i.e.*, on whether the employer treated the plaintiff differently, whether the plaintiff was “qualified” (able to perform the essential functions of the job with or without a reasonable accommodation), and whether the employer and employee satisfied their respective reasonable accommodation obligations.

The *Weaving* case takes on significance against the backdrop of these trends.

The Facts of *Weaving*:

Weaving had been diagnosed with ADHD as a child. Initially he and his family assumed that he had outgrown the condition by the time he became an adult. During his employment as a police officer and investigator, he had received mixed reviews. Sometimes they described his behavior as “aloof” and “abrasive”; however his reviews often also rated him as “helpful”, “competent” and “hard working”. (There is a lesson to be drawn here about the need for accuracy in evaluation comments.)

Weaver joined the Hillsboro, Oregon Police Department (HPD) in 2006. He exhibited some interpersonal difficulties with other officers and subordinates, who complained about his acerbic, sarcastic, patronizing and sometimes demeaning behavior. The HPD placed him on paid administrative leave in 2009 (after the ADAAA went into effect) pending the investigation of a subordinate’s complaint alleging he had engaged in inappropriately harsh and bullying treatment. During this leave period, he sought an after-the-fact evaluation by a clinical psychologist. The psychologist concluded that some of Weaving’s interpersonal difficulties and lack of empathy for others were attributable to his continuing ADHD. Weaving advised the HPD of his condition and he asked for “all reasonable accommodations”, including reinstatement and the opportunity to improve in his dealings with his colleagues. Shortly afterwards the HPD concluded its investigation, and found that the plaintiff “fostered a hostile work environment for his subordinates and peers,” was “tyrannical, unapproachable, non-communicative, belittling, demeaning, threatening, intimidating, arrogant and vindictive.” It noted that he “does not possess adequate emotional intelligence to successfully work in a team environment, much less lead a team of police officers.” Rather than reinstating him the HPD terminated Weaving.

Weaving sued the HPD under the ADA claiming that his ADHD was a covered “disability” under the ADAAA because it substantially limited his major life activities of working and interacting with others. He further claimed that his discharge occurred after he revealed his ADHD condition and asked for a second chance. A jury found that the plaintiff had a disability, and that the HPD terminated him because of his disability. The trial court awarded him over half a million dollars in compensatory, back pay, and front pay damages, plus attorney’s fees. HPD filed a motion for judgment based on insufficient evidence to support the verdict – which the trial court denied. HPD then appealed.

The Ninth Circuit’s Reversal Finding *No* Disability:

The perennially liberal Ninth Circuit reversed the district court verdict. It held that the jury reasonably could not have found that ADHD substantially limited the plaintiff’s ability to work or interact with others. Rather than looking only at the disability itself, the Circuit Court noted that it must

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examine the EEOC's ADAAA regulations, which call for "an individualized assessment" of whether a condition is "substantially limiting", and explain that:

An impairment is a disability . . . if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.⁶

Even under this more relaxed standard, the Circuit Court held that the plaintiff was not substantially limited in the major life activity of working either a range of jobs or in the plaintiff's chosen field. It noted that he was able to succeed over his previous career as a police officer, but for the flaws in his interpersonal skills. It visited the major life activity of "interacting with others." Referencing pre-ADAAA precedents, the Circuit Court recognized that "[m]ere trouble getting along with coworkers is not sufficient to show a substantial limitation."⁷ It contrasted cases involving plaintiffs who were barely functional in their interactions with others. Mr. *Weaving*, the court recognized, "was able to engage in normal social interactions. . . His interpersonal problems existed almost exclusively in his interactions with his peers and subordinates. He had little, if any, difficulty comporting himself appropriately with his supervisors." Thus the Court held that Mr. Weaving's "ADHD may well have limited his ability to *get along* with others. But that is not the same as a substantial limitation on the ability to *interact* with others." Cantankerous behavior is not the same as a substantial limitation of a major life activity. "To hold otherwise," the court reasoned, "would be to expose to potential ADA liability employers who take adverse employment actions against ill-tempered employees who create a hostile workplace environment for their colleagues."

The Dissenting Opinion:

Lest anyone think that this was an easy decision, a lengthy dissenting judge chided the majority for usurping the jury's role by reweighing the evidence and holding that the plaintiff "isn't disabled, he's just a jerk" (and therefore not covered by the Act). He noted that Weaving's "emotional intelligence" was both the driving force behind his discharge and a recognized symptom of ADHD. The dissent argued that the jury had sufficient evidence from which it could have concluded that the former officer had a "disability," and that the verdict therefore should not be disturbed. Weaver's condition need render him incapacitated in order for him to be substantially limited in the major life activity of interacting with others. The evidence that his condition made him "hostile" and "unapproachable to his coworkers" was sufficient, according to the dissent. It concluded that "[t]he law protects the disabled, not the likeable."

The Lessons to be Learned:

If an employee attributes his or her boorish behavior on his or her own physical or mental impairment, this will not necessarily translate into protection under the ADA. On the other hand, *Weaving* should not be understood as changing the playing field in disability cases. This case does not mean that persons afflicted by ADHD can not be considered "disabled" under the ADA. Nor does it mean that low "emotional intelligence" need never be accommodated in appropriate

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Chiefs' Counsel's Corner *(continued)*

circumstances. The *Weaving* decision is not an accurate indicator that employers may return to pre-ADAAA days, when they won extremely high percentages of ADA cases by arguing that the plaintiff was not “substantially limited” in a major life activity, and therefore did not have a “disability.” Under the old ADA and now under the ADAAA, it is never a safe strategy to rely exclusively on the argument that a plaintiff does not have a “disability” – and therefore that the plaintiff is not protected by The Act.

The *Weaving* decision does, however, underscore that this defense need not be abandoned altogether.

Even under the ADAAA, not every physical or mental impairment amounts to a “disability.” In certain cases, arguing “no disability” may still be effective. The most reliable defense, however, is full and strict compliance with the employer’s ADA obligations. Police Chiefs and public administrators must take the accommodation process seriously when any employee raises the issue of disability and requests help. If ADA claims arise Chiefs should be fully prepared to prove that the Department treated a plaintiff equally, that the plaintiff no longer was “qualified” for a job, or that accommodations would not have rendered the plaintiff “qualified.” Arguing that a claimant has “no disability” should be viewed as only the icing on the cake.



¹ Case No. 12-35726 (9th Cir. Aug. 15, 2014).

² 42 U.S.C. § 12102(4)(A).

³ See EEOC Charge Statistics FY 1997 Through FY 2013 at www.eeoc.gov.

⁴ See *Annual Report on EEOC Developments: Fiscal Year 2013*, Littler Report (Jan. 22, 2014) at 14, 28.

⁵ Stephen F. Befort, *An Empirical Examination of Case Outcomes Under the ADA Amendments Act*, 70 Wash. & Lee L. Rev. 2027 (2013).

⁶ 29 C.F.R. § 1630.2(j)(1)(ii).

⁷ Citing *McAlindin v. County of San Diego*, 192 F.3d 1226, 1235 (9th Cir. 1999).



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