



Fraternal Order of Police

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North Carolina
Fraternal Order of Police

1500 Walnut Street
Cary, NC 27511
(O) 800-628-8062
(F) 919-461-4958

Email
NCFOP@nc.rr.com

Web Site
www.ncfop.org

President
Terry Mangum
marman@frontier.com

Immediate Past President
Donald B. Penix
dpenix@carolina.rr.com

Vice President
Randy Hagler
rlhncfop@bellsouth.net

Secretary
Mike Hawkins
fopnc59@msn.com

Treasurer
Doris Kirby
Dorisk@centurylink.net

2nd Vice President
John Byrd
jrbSenior@charter.net

Sergeant-At-Arms
Ron "Duck" Wyatt
ltronwyatt@yahoo.com

Chaplain
Phil Wiggins
prwiggins@minister.com

National Trustee
Dennis McCrary
dmccraryfop@aol.com

Chairman of Trustees
Byron Highland
bhighland@nc.rr.com



In Memory of BELVIN "LEE" WALTERS

Past President North Carolina Fraternal Order of Police

Lee was born October 5, 1945 and raised in Durham County. Following his enlistment in the US Air Force, Lee continued to serve his community as a member of the Durham Police Department until his retirement. As a lifelong member of the Fraternal Order of Police, he held many offices including North Carolina State Lodge President, during which time he was instrumental in imple-

menting legislation to assist children of officers fallen in the line of duty. For his dedication, Lee subsequently received the highest civilian honor of the State, the Order of the Long Leaf Pine. Lee held office in Fraternal Order of Police Lodge #59. Lee enjoyed his retirement by traveling, collecting art, riding his Harley Davidson motorcycle, spending time with friends and family, especially on the holidays like the 4th of July.

He is survived by his wife Diana, children Misty Lee, Belvin Lee Jr., and Brandon Penebacker. Grandchildren , Nfyntie and Kmeion Walters, two sisters Hilda Pulley, Bobbie Dixon, and a host of nieces, nephews and cousins.

As I enjoyed the hospitality at the Walters home during the wake, I was able to write down some personal background of Brother Belvin Lee Walters. These may not be

in chronological order, but noteworthy, nonetheless. I was told that as a child Lee was quite an adventurous child. Among Lee's escapades, when he was a boy of about 12 years old and living in the Durham area, Lee used to swim in the goldfish pond at Duke.

Among Lee's hobbies were motorcycles, fishing, hunting, and art collecting. He was a fan of Salvador Dali's paintings. And speaking of the hunting hobby, there was this time when Haywood (Lee's older brother), HP (Lee's Nephew) Lee, and a friend from Hawaii roughed it on a hunting trip with a pop up camper and a truck; but they actually did have to get out on foot to hunt. One of the group shot a mule deer, never was said which one, but they all took turns posing with the trophy deer as if they were the one that killed it.

Diana and Lee met at a FOP Legislative affairs

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meeting in Virginia. Diana said she remembers telling someone “That’s the man I am going to marry”, (Lee did not stand a chance, she had him in her sights,) Lee and Diana had been married several years when they were speaking with some other couples discussing the scenario of how they met. Diana said Lee probably did not remember what she was wearing. Lee then said “You were carrying a briefcase, and wearing a tan colored suit with matching shoes. Then there was the time that Lee took Diana to his Brother Bobbie’s birthday party, she kept hearing the name “Belvin”. “Who is Belvin?” asked Diana, and Lee told her it was his first name.

Lee was a public safety officer in Durham for a few short years (public safety meaning he was a fireman and a police officer); before he transferred over to full time police. He was satisfied to remain a Sergeant although his abilities and knowledge warranted him be promoted to a higher supervisory and planning level. Lee liked to be in the ranks and not high visibility. Lee was of course a lifetime member of the Fraternal Order of

Police, and rose to the office of North Carolina State Lodge President. Lee believed in rules of order and always had a Roberts Rules of Order nearby and in later years had it practically memorized, as those who strayed from the formality were soon advised. He was a member of the Veterans of Foreign Wars, Key West chapter.

Of all Lee’s accomplishments, the one he was most proud of was as a member of the FOP, he and Mark Tucker fought to get the state to award a college scholarship to children of officers slain in the line of duty. As we know, it was later that Mark Tucker was also killed.

Lee found it very difficult to answer any questions with a simple yes or no. If given the opportunity, most all Lee’s answers to questions were met with a long oration telling about his mama’s cooking, his love for Diana, his family and kids, and how he loved his father in law, George. Lee as I said was a crew chief in the air force, and his Father in Law George was a Retired Navy Captain;.....Lee and George used to sit on the back patio and pretend as if they were giving landing and

take off instructions to airplanes.

Lee could talk to anyone, and felt comfortable with all ages from talking with toddlers to congressmen. The family told me “He was the epitome of a southern gentleman” but was as ease speaking with anyone. Lee and Diana were on a Cruise for art enthusiasts, and Lee met a Romanian artist; and unlike the crowd that wanted to barge into the Romanian artist’s personal space because of the artist’s fame, Lee just started up a casual conversation with him which spawned an immediate friendship between the three. The artist painted a set of flip flops as a gift to Diana and Lee, a normal \$5,000 fee.

As I have already said, Lee was not a braggart, He was a good example of the Old Testament Scripture of Proverbs 27:2, “Let another man praise thee, and not thine own mouth, a stranger; and not thine own lips. Diana said that being around Lee had always made her want to be a better person.

Lee will be missed.

Brother Bill McCoy, Chaplain, Lodge 59

Message From the President

I send my Brothers and Sisters greetings from the North Carolina State Lodge, Fraternal Order of Police.

Once again I must report that the North Carolina State Lodge has suffered yet another extremely tragic loss. My

dear friend and Brother, Belvin Lee Walters, passed away on January 5, 2012. Belvin was a State Lodge Past President, and we served together on the State Lodge’s and Durham County Lodge 2’s Executive Boards in various offices throughout the years. He had been a member of the Greater Cumberland Area Lodge 59 for several years. State Chaplain Phil Wiggins, Durham

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Lodge 2 Trustee P.T. Williams, and I traveled to Fayetteville on January 9 to attend the Visitation and Memorial Service. There were many FOP members in attendance from across the State. Lodge 59 Chaplain William McCoy officiated at Belvin's Memorial Service and he did an outstanding job. My thoughts and prayers are with Belvin's wife, FOP Sister Diana Walters, and his children Misty and Lee Jr.

It is fitting that our Spring Board of Directors meeting will be in Fayetteville.

I will be requesting that our 2012 Spring Board of Directors meeting be dedicated in memory of Past President Belvin Lee Walters.

The dates for our Spring Board of Directors meeting will be Friday, March 30 and Saturday, March 31. It is being hosted by Greater Cumberland Area Lodge 59. The hotel is the Holiday Inn I-95 located at 1944 Cedar Creek Road, Fayetteville, NC, 28312. The telephone number is 1-910-323-1600. Please remember to mention you are with the FOP so you will receive the special FOP rate.

As a cost cutting measure, the Spring Board of Directors meeting has been reduced by one day. The Board of Directors meeting will begin on Friday,

March 30, at 7:30 p.m. and will recess at around 9:00 p.m. It will resume on Saturday, March 31, at 8:30 a.m. Beginning the meeting on Friday night will allow us to finish the meeting earlier on Saturday so that the Board of Directors can return home at a reasonable time.

With the unexpected passing of our webmaster Tom Costello in September, our State Lodge web site was thrust into a state of limbo. Much of the web site logistical information was stored in Tom's computers. Vice President Hagler has worked tirelessly to get our web site back on track. This has been a slow and tedious process, but we now have a new web master to replace Tom and updates are being performed.

Please remember that this BlueNote is your publication. We need to hear from all of our Local Lodges with articles on their activities. I would encourage the State Trustee from each lodge to either write or make sure an article is submitted from their lodge. All Executive Board members and Committee Chairs should also be submitting articles pertaining to their offices and committees.

If I may be of assistance to you, or if you have any questions or concerns, please do not hesitate to contact me. As always, I am here to serve you and our membership.

Terry Mangum
State President
North Carolina State Lodge
Fraternal Order of Police

A Message from the Second Vice President John R. Byrd Sr.

Brothers and Sisters,

I was very saddened to hear of the unexpected passing of our Webmaster Tom Costello at the end of September. Tom was a true friend to the Fraternal Order of Police. Tom was very proud of his association with the F.O.P.; Tom shared with me many times the fact that he thought the F.O.P. was an outstanding organization and he couldn't understand why every officer wouldn't want to be a part of it. Tom was our state lodge webmaster; he developed the lodge 9 website and had begun visiting my assigned lodges with me in order to offer his services to any lodge that wanted to start their

own website. Tom had also begun working on two other websites for a couple of other organizations I am involved in over the past couple of years. Tom was the most genuinely nice person I believe I have ever met. The word "No" was not in Tom's vocabulary. He was always ready to help anyone anytime he could. I am proud to have been able to call Tom friend. Tom you will be missed tremendously, I can only imagine what you are experiencing now, but I know it is all good. If they have computers in Heaven I'm sure GOD already has you working on a project for him!!!

I have begun visiting my assigned lodges again, but if

I can be of any help or assistance to any lodge or to any member please don't hesitate to call on me. I am going to send another application into the State Fair to try and get us an assigned display area. Please be willing to work our display if this comes to pass. Go ahead

and make plans for which days you might be willing to work. I am not sure what the exact days are yet but you can go to the State Fair website to find out. Take care and be safe.

Endorsements – Are they good for my Lodge? State Vice President, Randy Hagler

It's the time of the year we all must ask ourselves do we really want to get into the business of endorsing candidates running for political office. FOP Lodges from around the country vary on this issue. Many choose to not become involved in the political process for fear it may reflect negatively on their membership, regardless of which way a particular election turns out. Some endorse in a few races but not in others, and that is understandable given the political climate in many of the communities we serve. It seems the larger lodges with large urban populations endorse more often than our smaller lodges. Perhaps it is easier for them having a large membership to draw from. If your lodge decides to do endorsements, there are few things you may want to keep in mind as you go through the process.

The National FOP has for a number of years conducted a screening process for endorsing a Presidential candidate. For the past two elections I have had the opportunity to serve on that committee. I can tell you from the experience, it was a well thought out process that had been put in place years before I became involved. From the early meetings with our National Legislative Staff in Washington to formulate the questions and letters to the candidates, to the actual interviews,

it was all carefully planned to keep our focus on Law Enforcement Officers and the issues of concern to us. I encourage you to do the same if you plan to endorse in your local elections.

If your local lodge decides to endorse in a political race, I would like to offer a few suggestions. Please keep in mind that I am not an expert in this process and the ideas I offer are only suggestions which my lodge has tried. Some of them worked and some did not.

Only endorse in races that have a direct impact on your membership. Depending on where you live and work, some examples might be City Council, Mayor, County Commission, Sheriff, and District Court Judges.

You may want to consider not endorsing in a primary race to ensure you have a candidate to endorse in the general election. This can be done simply by having a membership vote to not endorse in primaries and make sure all the candidates understand that.

Appoint an Endorsement Committee early and make it representative of your membership. The Endorsement Committee will formulate the questions to ask the candidates but

they should certainly seek input from the membership. After all, the Endorsement Committee will only be presenting the information from the candidates and possibly making a recommendation to the membership. It is the membership vote which will ultimately decide who to endorse.

Schedule appointments with everyone running in the races you have decided to endorse, either by letter or telephone, or maybe both. Not every candidate will be interested in your endorsement but they must at least have an opportunity to participate. Schedule these appointments in a business like environment and by all means dress professionally. Keep notes of the responses the candidates make or, if you prefer, ask if they mind if you video/audio tape the interview. Stay with the questions you have prepared and try and keep the candidate on target. One person can ask all the questions or you can go around the table with each committee member asking a question, whichever you prefer.

At the conclusion of all the interviews, the Endorsement Committee will meet to review the responses of all the candidates and prepare a report to be presented at a membership meeting. Hopefully, your committee will present all of the

information the members will need to make an educated decision on which candidate will best represent them if elected.

By all means let all of the candidates know the results of your process. Not everyone will be a winner but they all deserve to know the results. Make someone from your Lodge available to the media if they have questions about your endorsement and how you reached your decision. Also make yourself available to the candidate for any requested follow-

up. It is very important to let the community know who you support and why you support them. Many people look up to their police officers and deputies and they are interested in who you think would be a good candidate.

I realize political endorsements are not for every lodge, but you should at least consider the process and discuss it with the membership. Thankfully the Presidential endorsement comes under the purview of the National FOP and state-

wide races fall under the scope of the NC State FOP. That leaves us at the local level to decide which local candidates have our best interest in mind when it comes to salaries, pay increases, benefits, working conditions, and the district courts.

If I can be of any assistance to any FOP Lodge or Lodge member please do not hesitate to call me.

Stay Safe.

New “Department of Public Safety” Effective January 1st

by Jeff Gray
Legislative Agent

It has been over 40 years since there was a major reorganization of State government in North Carolina, but one began last year with the announced consolidation and elimination of a number of State agencies. The reorganization, first set in motion in a speech Democratic Gov. Beverly Perdue gave in Pinehurst a year ago, is supposedly designed to streamline State government. The proposals, implemented with the help of the Republican-controlled legislature, were made at a time when State government faced a projected \$3.7 billion budget shortfall. There will be changes in who cuts unemployment checks and who manages forest resources, but those are just minor shifts.

The biggest change occurred on January 1, 2012, with the creation of a new 25,000-employee criminal justice super agency to be called the “Department of Public Safety.” The new Department of Public Safety will mean the creation of the largest agency in State government, and by far the largest government agency in its 236-year history. It is being created out of three existing cabinet-level agencies: the Department of Crime Control and Public Safety, the Department of Correction and the Department of Juvenile Justice and Delinquency Prevention. “Consolidation will make State government more efficient, more streamlined and more responsive to our citizens,” Chris Mackey, the Governor’s press secretary, said December 29th. “Merging

State agencies is no easy task and one that cannot happen overnight. This is about doing more with less - while maximizing results.” Gov. Perdue hopes savings can be found by consolidating purchasing, coordinating bid requests and combining functions.

President Terry Mangum and I attended two “Stakeholders Advisory Committee” meetings where the new Secretary (the former Secretary of the Department of Crime Control and Public Safety, Reuben Young) and his new Chief Operating Officer briefed representatives of various organizations on the progress of the consolidation. While these meetings were couched in terms of the new super agency seeking input from effected groups, they were actually only announcements of what had been decided and a timeline for implementation. Input was nil.

Whether the reorganization actually makes State government any leaner - or whether this turns out to be an exercise in moving around organizational boxes - is something that only the future will tell. There were no estimates on cost savings, but the 2011-2012 State Budget Act requires all three agencies consolidated to eliminate 34 senior management-type positions which is to save \$1,918,707.00 the first year and \$3,837,413.00 the second year. These reductions would have occurred even absent any management reductions due to con-

solidation. Therefore, the agencies would already have been smaller due to budget cuts. But the reorganization does reduce the number of sub-agencies on the flow chart.

In addition to Young as Secretary, the chief operating officer of the former Department of Correction, Jennie Lancaster, will become the Chief Deputy of the Division of Adult Correction. She will oversee a staff of 20,800 employees and a \$1.3 billion budget. (Current Correction Secretary Alvin Keller announced to his staff at year end that he will become an attorney with the Post-Release Parole Commission, starting January 1st.) Linda Hayes, the Secretary of the Department of Juvenile Justice and Delinquency Prevention, will be a Chief Deputy for the Division of Juvenile Justice. She

will oversee a staff of 1,700 and a budget of \$136 million. Gerald "Rudy" Rudisill, the former Chief Deputy Secretary of the Department of Crime Control and Public Safety, will be the Chief Deputy for the Division of Law Enforcement in the new agency. He will oversee a staff of 2,900 employees and a budget of \$225 million.

The other reorganization moves included the 1,962-employee Employment Security Commission being absorbed into the 890-member Department of Commerce in November. Organizational charts are still being worked out and divisions with similar responsibilities being put together. The last major reorganization of State government occurred in the early 1970s, when Gov. Bob Scott led an effort in the legislature to reshape State government.

"The Band Aid"

A note from the Legal Aid Committee

John R. Byrd Sr. – Chairman

Again I would ask that every lodge review the Legal Aid Plan with their membership. This is something you familiarize yourself with in advance not at the last minute when things are in turmoil and you need it. I am going to reiterate a couple of things that the Committee is still seeing problems with:

Let your members know to contact Rich Hattendorf our State Attorney if at all possible before submitting their Legal Aid Application. This will allow the member to know if they have a valid issue and what they specifically need to be asking for on the application. Rich can be reached through the state office at 919-461-4939.

Please make it clear to your members that an incident that occurred before they joined the F.O.P. is not covered under the plan. We have recently gotten a couple of applications where this was the case. These applications should have never been signed off on by the local lodge.

The lack of clear and concise information in the applications is still an issue. This is a good reason why you should talk to Rich before submitting your application.

I will be contacting lodges in the near future requesting updates on outstanding cases so that we can close those files when appropriate. I am also going to be assigning each Committee Member a certain number of Lodges to be their liaison. That list will be in my report at the Spring Board Meeting in Fayetteville.

Please let myself or any other committee member know whenever we can be of any assistance to you.

A quick comment from the secretary...

Mike Hawkins

In January 2011 I left everyone with this thought... Take care of your brothers and sisters in law enforcement... ask them to join the FOP. Support your local lodge and

make it strong. Support your local lodge officers and pay your dues on time. Every year it never fails that someone fails to pay their dues and they find themselves in need because of a critical incident. As our brothers keeper this should not be the case. Should you need my help or have something I need to address in this forum,

ask. Please do not hesitate to call me at (910) 309-5915 or e-mail me at fopnc59@msn.com.

I don't know what happened to 2011, but here we are in 2012 already. Where did 2011 go? I don't want to sound like a broken record, so please just read the first paragraph again...it holds true for 2012 too.

This year has been a banner year in recruiting for Greater Cumberland Area Lodge 59. We have had a few retirements, but our membership continues to grow because lodge membership and leadership has reached out to officers who are not members. We continually ask of-

ficers "who's got your back"? Legal Aid requests to the State Office are up and I hate to say they will continue to increase. The streets are not safer as witnessed by the increase of law enforcement officer deaths for 2011 by 13%. In law enforcement our goal should be to do our jobs as safely as possible. We will continue to advocate for Law Enforcement. I encourage each and every one of you to reach out and touch your fellow officers and invite them to join. Grow your lodge and take care of your membership. If you take care of your members, your members will always take care of you. Everyone be safe out there...

COPS & KIDS

On Saturday December 17, 2011, Charlotte Mecklenburg FOP Lodge #9 held its annual Christmas Cops & Kids program. We were joined by 20 volunteers from the Lodge, and of course Santa Claus visited with all the Kids to get there last minute requests. Santa handed out candy canes to all the kids big and small while visiting.

I wanted to take this time to thank all of the volunteers who gave so generously of their time during this very busy time of year. Also thanks to Target Stores there cooperation helped us give these kids a better than average Christmas.

Photo: Left to Right,

First row: Haley Spaulding, Marie Pepitone, Marsha Martin, Katie Spaulding, Brenda Jordon,

Second row: Scott Gerson, Will Parker, Larry Walker, Frank Christmas AKA SANTA, Jackie Stinson, Jeff Spaulding, Sarah Granskog, Kristin Wells,

Third row: Ken Clark, Judy Clark, Bernard Roe, Eugene Stitt, Mark Michalec, Randy Hagler, Ben Pepitone



Supreme Court Decides Davidson College Can Keep Police Force

By Jeff Gray



Davidson College can continue to maintain its own police force, the State Supreme Court decided on November 10, 2011, in a ruling that says the school is not so closely aligned with a religious denomination so as to prevent it from doing so. The Court ruled in the case *State v. Yencer*, No. 365 PA10, which involved a woman who was arrested on a street near Davidson College in 2006 by one of the school's campus police officers. The woman pleaded guilty to driving while impaired but later appealed on the ground that Presbyterian-affiliated Davidson's police force violated First Amendment protections against the intertwining of government and religion. A State law allows the State Attorney General's Office to certify police officers at private colleges, whether secular or religious.

This issue has been litigated a number of times

in North Carolina's appellate courts, with the first instance in the early 1990's resulting in Campbell University losing its campus company police force. The State Lodge, Fraternal Order of Police joined five other law enforcement groups, including the N.C. Association of Campus Law Enforcement Administrators, the North Carolina Association of Chiefs of Police and the N.C. Sheriffs' Association, by writing an amicus curiae - - "friend of the Court" - - brief in support of Davidson College.

In response to the second of these cases in 2003, the Legislature enacted Chapter 74G of the General Statutes, the Campus Police Act, which clearly set forth the secular - - or non-religious - - purpose of the Act. This still did not stop the challenges of the authority of campus police officers at historically religious schools.

Justice Mark Martin wrote the opinion for the Court in *Yencer*. The Court found that "[B]ecause the campus police agency benefits Davidson's secular rather than religious activities,

this case does not give rise to excessive entanglement or have the primary effect of advancing or inhibiting religion." Davidson College, with approximately 1,900 students, regularly ranks among the country's top liberal arts colleges. It has historic ties to the Presbyterian Church (U.S.A.) but the Court found it is not a predominantly religious campus. The Court reversed a unanimous ruling by the Court of Appeals.

The attorney who represented Julie Ann Yencer had argued before the Supreme Court in March that Davidson's bylaws require 24 of its 44 Trustees to be members of the Presbyterian Church (U.S.A.) and further require that at least 80 percent of the Trustees must be active members of a Christian church. Alternatively, the Attorney General's Office had argued that the Campbell University case should not be precedential, and that Campbell was much more clearly a religious institution than Davidson, and said the law ultimately has to be applied on a case-by-case basis. While the Court rejected the argument that Davidson is

a religious body, it concluded that this question must be decided on a case-by-case basis. Therefore, this issue is not decided forever.

In its Amicus brief the FOP argued that in passing the Company Police Act, our General Assembly acknowledged that campus police officers employed at our State's colleges and universities take oaths to enforce the laws and uphold the Constitutions of North Carolina and the United States. They do not swear allegiance to the religious denomination with which their respective employers are affiliated. These officers are certified by the North Carolina Criminal Justice Education and Training Standards Commission, and must complete the same training and meet the same minimum standards as all other law enforcement officers in our State.

As set forth in N.C.G.S. § 74G-6(b), these campus police officers have the "same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for

infractions” The FOP urged the Court to not draw a distinction between campus police officers at a college or university affiliated with a religious denomination and any other law enforcement officer in North Carolina. Our Legislature made clear in passage of the Company Police Act in 2003 that any such distinction was not its intent, or the public policy of North Carolina. In this instance, the Court has done so.

The FOP also emphasized the unique services campus police officers provide to their campuses and communities. It was explained that campus police officers can provide the identical law enforcement services as any other municipal or county officers, but tend to adapt or limit their service to the unique public safety and security needs of their respective campuses. They provide essential safety and security services, not only to the colleges and universities that employ them, but also to the communities where their schools are located. In performing these acts, North Carolina’s campus police officers reduce the burdens on local law enforcement agencies that have concurrent jurisdiction on their

campuses. The FOP’s brief pointed out that with too many competing demands placed on our federal, State and local law enforcement agencies, campus police agencies and their officers are able to concentrate their efforts exclusively on ensuring safety and security on and near their respective college or university campuses. This approach allows campus police agencies to focus their attention on the unique safety, security and law enforcement needs of their colleges and universities. An additional benefit is received by the citizens in that the cost of these services is absorbed by the employing independent college or university and not by the taxpayers of our State.

The FOP’s Amicus brief made clear that campus police agencies do not replace, supersede or alter in any way the authority or jurisdiction of federal, State or local law enforcement agencies that also serve the communities in which independent colleges and universities are located. Rather, they work cooperatively with federal, State and local law enforcement agencies, and the brief referred the Court to N.C.G.S. § 74G-6(c) which provides for

joint agreements with municipal, county and other campus police agencies.

As demonstrated by the horrific shooting at Virginia Tech last week, our State’s colleges and university campuses are not immune from violent crimes such as murders, shootings and assaults. In fact, such serious crimes have occurred even on relatively small campuses located in rural areas or in small municipalities. Protecting the concentrated population of students, faculty, staff and visitors on college and university campuses is vital to the overall safety of the community and our State.

If allowed to stand, the Court of Appeals’ decision could have eliminated campus police agencies as an option for our State’s independent colleges and universities with some relationship to a religious denomination. Based upon the experience of the 6400 active and retired members of the State Lodge, Fraternal Order of Police, campus police have proven to be an efficient and effective method to protect the public safety and provide security at our State’s colleges and universities. The need for, and the benefits of, the ad-

ditional law enforcement services provided by campus police agencies have nothing whatsoever to do with whether the colleges and universities have some connection with a religious denomination.

While it does not resolve the issue once and for all, the Supreme Court’s opinion in Yencer provides valuable guidance to trial court judges considering a defendant’s motion to suppress.

Jeff Gray is Legislative Agent for the State Lodge, Fraternal Order of Police. He also authored, along with FOP General Counsel Rich Hattendorf, the FOP’s Amicus brief in Yencer.