President's Message
George Durkee

Our apologies for not getting a newsletter out until now. As always, the Board is juggling work, family and Lodge business. The good news, though, is we've had a pretty productive winter.

Two months ago the Board talked to Associate Director Cam Sholly and went over, issue by issue, the results of the survey we sent out (survey results summarized later in this issue). As a start, Cam said he was very hopeful he could obtain funding to replace our aging firearms inventory and had been acting to achieve that over the next 3 years or so.

He was also interested in our input on two other issues: a clearer law enforcement marking scheme for our vehicles and supervisory insignias for rangers.

On vehicle markings, he made the obvious point that the word “Police” is universally recognized. This is obviously a critical factor in making sure foreign visitors – to say nothing of US citizens – know what our role is and how to get help when needed. It’s encouraging that the Associate Director has also considered this problem and is open to solutions.

Cam is also sympathetic to the problem many supervisors have faced when responding to multi-agency incidents: how do other agencies know which ranger is in charge?

For these two issues, then, Lodge Board members have written proposals as a starting point for a discussion among our members and rangers in general. They are printed in this newsletter and, because both depend on images of various patrol car marking options or what insignias look like, the complete proposals with all photos are in the Documents section of the Lodge website.

We recognize some of the problems involved in each proposal, but want to get a conversation started, come up with a specific plan for each, then submit them to Associate Director Sholly for further discussion and implementation.

We also discussed other priorities identified by both our members and other rangers who filled out the survey. Cam was pretty straightforward and realistic on what he was willing to pursue at his level. For instance, he saw too many problems – both budgetary and policy – to invest effort in Pay Parity with other land management agencies (ranked #1 by rangers). We recognize this as a long-term goal and will continue our advocacy. Our experience is there’s often many years between introducing a goal and getting it to percolate up into the consciousness and priority list of managers.

Needless to say, anything that costs significant money right now is viewed with confused alarms of struggle and flight while ignorant legislators clash by night.

OK. No more Matthew Arnold riffs. Go to the Lodge website, check out the rank insignias and patrol car marking proposals. Send your thoughts and comments to the Lodge or post on the forum. Remember, none of this is set in stone. We’re looking for feedback to eventually propose to Washington.

Finally, Police Week is being observed throughout the nation as we go to press. I hope everyone takes a moment to remember Park Ranger Margaret Anderson and her family, as well as the countless other law enforcement officers who have died in the line of duty.

As always, be safe. Take time, call backup, go home after your shift. Have a safe and fun summer.

Proposal to Alter Current NPS Patrol Car Marking Scheme

Background and Objectives
The current marking scheme in place on NPS patrol vehicles has remained virtually unchanged since its inception approximately thirty years ago. During that time, the NPS law enforcement program has made significant strides toward ever-increasing professionalism.

A corollary to those efforts has been the widespread desire of NPS law enforcement staff to effectively convey, both to the public and to other law enforcement agencies, that we are a skilled, professional law enforcement agency with full police powers. Improving the marking scheme on patrol vehicles...
will accomplish much toward giving the public and other agencies a more accurate and complete perception of commissioned rangers.

The need to improve this perception stems from a very real officer safety concern: making suspects fully aware that they are dealing with full-performance law enforcement officers when they are in contact with NPS commissioned rangers.

Misperceptions of ranger authority by suspects carry the significant potential for increased risk to all involved parties in a law enforcement contact, as suspects can become emboldened if they believe that they are dealing with something less than a fully-empowered police officer. The desire for improvement also stems from a pride and morale standpoint; rangers feel that they deserve to be recognized as the skilled police officers we are, and are often frustrated when park visitors or officers from other agencies fail to recognize our authority and professional status.

Interestingly, these desires have proven themselves so strong that in the past five years, there has been a constantly-increasing willingness by individual parks to intentionally violate RM-9 policy and mark patrol vehicles in customized and unique ways that are not authorized by Chapter 34. We feel that unless this issue is addressed with clarity on the national level, unique and unauthorized marking schemes will continue to proliferate, and will skew the NPS away from the intended (and desired) uniformity of a single national marking standard. The longer parks are permitted to ‘freelance’, the more difficult it will be to return to a single standard.

The issue of NPS vehicle markings is more than a question of aesthetics, it goes directly to officer safety. The Board of Review in the Margaret Anderson murder made only four recommendations to increase ranger safety; one of the recommendations was to improve patrol vehicle marking (neither Anderson’s nor Dan Camiccia’s patrol vehicles were marked to RM-9 requirements at the time they were fired upon by Benjamin Barnes).

In addition to the issue of a standard marking scheme, a problem also exists in which individual parks obtain their vehicle marking decals from an exceptionally large number of sources. There is no consistency across the NPS in terms of marking decals: lettering varies widely in size and font; Arrowheads vary widely in size, style, and color; 911 decals vary widely in size, style, and color; green striping varies in shade.

It seems that no two parks have uniformly-matching patrol vehicles, a fact which is abundantly and unfortunately plain whenever vehicles from different parks are assembled together. Additionally, some parks find themselves scrounging, with difficulty, for decal materials if they do not have a ready source for them.

The current marking scheme for NPS patrol vehicles is inadequate and does not sufficiently convey to the public and to other agencies the law enforcement authority of commissioned rangers. The current scheme is also lacking in a central vendor of decal materials, which would ensure uniformity of markings and ease of acquisition. We wish to propose cost effective and easily implemented solutions to address these issues.

Methods Employed and Benchmarks of Success
First, we’ll discuss the concept of changes to the current marking scheme. The benchmarks of success are the following:

1. Clarity of Authority
A successful scheme conveys, clearly and immediately, the police authority of the commissioned ranger operating the vehicle.

2. Agency Identification
A successful scheme conveys, clearly and immediately, identification of the operator with the National Park Service.

The above benchmarks are based on the fact that the only true commonalities among American police vehicle marking schemes are a title of authority, such as: POLICE; LAW ENFORCEMENT; or SHERIFF and an identification of the agency, such as a governmental seal, agency patch, etc. All other visual components related to marking a police vehicle are subjective matters of taste and style which are not considered objective benchmarks of success for our purposes here.

In addition to clear authority title and agency identification, the NPS also has several practical requirements for a successful marking scheme. These benchmarks of success are:
1. Universal applicability across a wide range of vehicle makes and models
   The NPS uses dozens of different vehicle models as patrol vehicles. Each of these comes with physical limitations as to where decals may be applied, such as fender flares, door bumper trim, etc.

   A scheme which works well on Dodge Chargers, but cannot be similarly applied to Chevrolet Silverados, is not a feasible scheme for the NPS. Other law enforcement agencies which also rely on multiple vehicle models therefore eschew large, graphics-intensive decal packages, and instead use simpler schemes.

   As such, the two most popular schemes nationwide are a linear horizontal stripe (as with the current NPS scheme) or the black-and-white California-style scheme.

2. Simple end-user field installation
   Many parks rely on rangers to apply their own patrol vehicle marking decals; the scheme must therefore be simple and manageable enough not to warrant the necessity of installation by a professional decal installer. Large and/or complex graphics packages are therefore excluded from consideration.

3. Cost Effectiveness
   Given the current budgetary environment, a successful scheme will also be highly cost effective in relation to the benefits obtained.

   We’ll now briefly address the issue of choosing a ‘term of authority’ for display on the vehicle, in this case we’ll consider either “Police” or “Law Enforcement.” In the U.S. the terms are completely synonymous, and any emotional distinction drawn between the two is false. We prefer the term “Police” because it is nearly universal in recognition and acceptance, given that the English word “Police” is itself is closely related to the word for “Police” in dozens of languages and cultures.

   A significant percentage of the 280 million annual visitors to national parks are international visitors; they may either speak no English, or not understand “Law Enforcement.” In either case, there is a greater chance for a broader linguistic or cultural understanding when employing the “Police” title, given its international recognition.

   Next, we’ll consider the topic of a centralized vendor for marking decals. The benchmarks for success here are few and self-evident. A centralized vendor will be able to provide to each individual park a fully-uniform, standardized, and readily available source of vehicle marking decals, allowing nationwide consistency of appearance among NPS patrol vehicles.

   A centralized vendor may be found in any number of commercial vinyl decal manufacturers, several of whom are already GSA-approved vendors. The Lodge is certainly willing to do the research and prepare an RFQ to determine viable vendors. As an alternative, some large parks have a sign shop operation that might be modestly expanded to meet the decal needs of the Service nationwide. Regardless of the source of materials, we entirely support and promote the use of a single centralized vendor for decal distribution.

Estimated Timeline and Costs
   If we propose something that only requires slight modification to the existing scheme, we can suggest that it be implemented on ALL patrol vehicles within one calendar year. If we propose something that is significantly different from the current scheme, it would probably have to be phased in as older patrol vehicles retire. We would therefore have two marking schemes going side-by-side, probably for the next 5-6 years or so.

   Costs will vary on the basis of which scheme we propose. Vinyl decals (which are petroleum-based) are surprisingly expensive. The 4-inch green striping that we put on our current vehicles is five dollars a linear foot. It costs about $350 to buy decals for one vehicle from the sign shop. Obviously, the more vinyl and separate decals you use, the more it costs.

Summary
   Implementing the proposed change to the NPS patrol vehicle marking scheme will enhance both officer safety and employee morale, and is fiscally and logistically attainable.

   Additionally, mandating use of a centralized decal vendor will ensure national uniformity, cost effectiveness, and ready availability of decal markings. These objectives are in the interests of the Service, individual parks, and commissioned employees nationwide.

   Go to the Reference Document section on the Lodge webpage: rangerfop.com/reference-documents to see full article with example photos.
Proposal for NPS Rangers to Wear Rank Insignia

History and Justification
There are thousands of uniformed public law enforcement organizations in the United States. Such organizations are typically called a Police or Sheriff's Department. Law enforcement agencies in the United States typically use variants of the same system of ranks and rank insignia, which is based on those established by the United States armed forces. The purpose of rank and rank insignia are to clearly identify people's positions within a hierarchy. The full color rank insignias can be seen in the original proposal at: rangerfop.com/reference-documents

As with the military, the law enforcement rank structure is designed for supervisory, management, and command functions. In the military, the ranks of corporal and ascending through the rank of sergeant are supervisory functions. The rank of corporal is not universal throughout law enforcement. However, this rank does carry supervisory authority.

The corporal will normally act as the squad or unit supervisor when the sergeant is on leave or otherwise unavailable. The three stripe sergeant insignia is the most common first line supervisor among law enforcement agencies. Lieutenants and captains are company grade ranks, and they can be compared to management. Major through the colonel ranks are field grade officers, and they can be compared to command.

The lack of a formal rank structure within the NPS has traditionally been problematic for commissioned rangers. During multi agency incidents, members of other law enforcement agencies do not recognize the NPS's rank structure and cannot identify who holds these positions. For example, a captain with a state police agency does not understand what a District Ranger is. Furthermore, without visible rank insignia, that captain has no way of identifying who a supervisor is on a multi-agency incident. The lack of visible rank has also proved to be cumbersome in urban parks, where rangers work with large police agencies on a daily basis.

The public also recognized rank insignia. Without any visible rank insignia, a visitor wishing to speak with a supervisor has no way of knowing if they are talking with a supervisor.

Proposed General Policy
To start us thinking about how best to go about introducing rank insignias within NPS, the Lodge is proposing the following as a first draft to start a conversation.

To allow the public and members of other law enforcement agencies the ability to easily identify supervisors within the NPS, Commissioned rangers are authorized to wear collar insignia signifying their supervisory responsibilities.

The insignia will be small (¼”) and gold in color. The insignia will be metal pin on. Supervisors may place sew on cloth insignia on the collars of their outerwear. When wearing the service dress jacket and the ike jacket, supervisors will replace the "USNPS" insignia with their perspective rank insignia, rangers who do not have supervisory insignia, will continue to wear the "USNPS" on the service dress jacket and the ike jacket.

Although GL can sometimes be a rough guide to a ranger's supervisory authority, the intent is that a rank insignia reflect the ranger's actual responsibilities in day to day operations or, in the case of a special events team, their supervisory function while on that team. The following summary is our proposed general use of rank collar badges:

**Corporal – GL-9**
With Supervisory Responsibilities

The corporal rank insignia is intended for those GL-9 rangers who have supervisory responsibilities. For example, GL-9's who supervise seasonals or GL-9's or are in an acting role when the GL-11 is absent.

**Sergeant – GL-11**
Intended for first line supervisors i.e. Sub-district rangers or District Rangers, depending on park structure).

When rangers are working as a part of a special team (SETT, Honor Guard, etc.) the Team Leaders will wear the appropriate rank insignia. This policy will be further clarified in the individual SOP’s of those teams.

**Lieutenant – GL-12**
District rangers

**Captain – GL-13 Chief Ranger**

**Major – GL-14 (Supt or other high ranking LE)**
Colonel – GS-15
Worn by the Deputy Director of Law Enforcement and Emergency Services.

Proposed Implementation Method
The NPS has historically been resistant to change in regards to the uniform. Prior to rangers wearing their commission badges on their uniforms, the honor guard started wearing the commission shields on the honor guard uniform as a test or phase in period.

In the instance of rank insignia, the honor guard and SETT teams could be utilized for a test and phase in period. These teams already have distinct uniforms and adding rank insignia will have little if any impact.

Once the wearing of rank insignia on the SETT and honor guard uniforms has been accepted during a predetermined time frame, the rank insignia policy will be released to the rest of the service.

If a further phase in period is necessary, the NPS could implement the wearing of rank insignia at urban parks.

References
• careerpoliceofficer.com/Policeman
dPolice/police_rank_insignias
• swordandpen.tripod.com/united-
states-police-ranks

Here’s an “attabo-y” we received from a long-time member. We wish Angelina the best in retirement!

Dear FOP Ranger Lodge staff,

Thank you for the reminder to renew my membership. I will be letting my membership expire because I’ll be retiring at the end of the month after 25 years of service. I want to thank all of you for the tremendous work you’ve done for many years to promote, support, and professionalize LE rangers, and I’ve been very grateful for the assistance your staff has given me throughout my career. I wish you all great success in your future efforts.

With much appreciation,

Angelina Gregorio
Park Ranger, Law Enforcement
Point Reyes National Seashore

Membership Notes
Paige Meier
Business Manager

Many thanks, as always, to all of our members who are actively participating in the Lodge by getting their dues in on time, letting us know when their address changes, and staying in touch. We always like to hear from you.

A quick reminder on renewing your membership: When you receive a renewal notice, please try to get your dues in as soon as possible. We’ve had several instances this year when a member has gone to renew their FOP Legal Defense Insurance or renew their FOP license plates only to find out that their membership had lapsed and they were appearing as an Inactive member in the FOP database. If your membership is not Active, you will not be able to obtain these or other benefits of Lodge membership. They DO check! We send out Last Chance to Renew notices prior to suspending a membership. If you receive one of these notices, please be sure to contact us right away. We make every effort to assure that your membership remains active, but if we don’t hear from you, your membership is at risk of being suspended. Thanks!

Have a good summer!

Preparing for an Adverse Personnel Action
Randy Neal

Randy Neal was a law enforcement ranger with the National Park Service for seventeen years. He attended law school at the University of Nevada Las Vegas while a Boulder Beach ranger at Lake Mead NRA. Since graduation, he has worked for the U.S. Department of Justice, U.S. Department of Homeland Security and as a state and federal prosecuting attorney. Now a private attorney, his practice includes representing national park rangers, law enforcement officers and other state and federal employees in various employment law issues.

The Lodge has recently been using Randy as a referral for members in need. He’s written us an article outlining what you need to know and prepare for in the event of an adverse action. His web site is: randyneallaw.com.

If you know the nature of the incident, the first thing to do is consider your liability in each of three areas: criminal, civil and administrative. In other words, are you being accused of breaking a law, is someone threatening to sue you, or are you solely being accused of a violation of policy? Of course, in modern law enforcement these areas often overlap.

Legal advice
Although it may sound self-serving, the answer to whether you should contact a lawyer before a meeting or interview is almost always “yes” – especially if you face potential criminal or civil liability. I have had clients call me not only after they have been through the entire process, but after the deadlines for any avenues of relief have expired. By then damage control is no longer an
option. The best time to get advice is before you have done anything that can affect your case. Yes, it may cost money, but normally only around $100 for a consultation. How much does a suspension cost? Some rangers have pre-paid legal services, but be aware that this is different from civil liability insurance.

Preparation
Administrative interviews in the law enforcement setting are notoriously different than other employment settings. While there is pressure on employees to cooperate to avoid making things worse, supervisors and Internal Affairs investigators often use their law enforcement experience to handle interviews like interrogations. And law enforcement officers “on the hot seat” tend to overreact because they see dumb criminals waive their rights and make admissions which were clearly against their interest, while they perceive many others avoid consequences by exploiting technicalities.

If you’re wondering which approach is more effective, remember it’s a red flag if they’ve chosen to conduct a closed door interview. While sometimes it’s simply a way to protect an employee’s privacy, it’s more likely someone is looking to cause someone, maybe you, serious trouble regardless of how petty the issue may seem. Otherwise, they probably would have handled the situation much more informally.

The greatest challenge to preparing for these interviews is that most NPS management and investigators refuse to disclose anything prior to the interview. This is a classic law enforcement interrogation technique; holding back information so a suspect can be confronted on inconsistencies, while pressuring him to volunteer information because he doesn’t know what evidence the agency may already have against him.

Don’t let interviewers back you into a corner. If you don’t know for sure, or can’t remember, the correct answer is “I don’t know,” or “I don’t remember.” Don’t guess. Always ask to review their materials first before you answer. If this request is refused, this is another red flag that the “interview” will be antagonistic.

Representation
Even if you are not a member of a union, you may have the right to a representative of your choosing. Even if you don’t have a legal right to representation, many supervisors still may allow you to bring along a representative. Whether or not they have any official role, their participation rights vary widely with almost every individual situation. But in theory they are there as advisors and observers.

The value of having a representative may only be as good as the representative you choose. Unfortunately, I have seen incidents where representatives were actually playing both sides of the fence, or stirred up more trouble than they prevented. The decision concerning representation is individual to the circumstances, and involves socio-professional and personality issues just as much as legal considerations. Sometimes management denies representation because they claim that it will delay the process. When management invokes this excuse, such “urgency” should serve as another red flag that you’re in for a rough ride.

Constitutional Warnings
It has become quite trendy to begin interviews with the “Reverse Garrity Warning.” Some lawyer apparently sold management on the idea that they should warn each employee of his “Garrity rights.” This adds more confusion than it clears up as far as I am concerned. You do not have Garrity “rights.” Any right you have against self-incrimination is guaranteed by the Fifth Amendment, not Garrity.

The Garrity case actually chipped away from your rights. It arose from the conflict between an employee exercising his right against self-incrimination and the responsibility of certain employers to ensure that an employee who has committed a crime is not left in a position of trust. The key to remember is that Garrity only applies in the situation where there is that conflict. If you voluntarily agree to be interviewed, then you are not asserting your rights against self-incrimination.

Rather than simply sign the Reverse Garrity Warning as presented, I routinely suggest adding a statement to the effect that “I am not waiving any of my constitutional rights and I do not consent to an interview on any matter which may implicate criminal liability. But I understand that I can face disciplinary action and even termination for failing to cooperate, and that I am now being compelled by my employer to answer questions if I wish to avoid such professional consequences.”

Under the Garrity holding, anything you say in an administrative interview can be used against you administratively but the Fifth Amendment prohibits certain statements you give during a compulsory administrative interview from being used as evidence in a subsequent criminal prosecution against you.

While some investigators are cautious not to rely on information obtained in a compulsory administrative interview for fear of evidence being suppressed with a “fruit of the poisonous tree” doctrine argument, the Government may not always resist using such information in building a criminal case against you. In some rare cases where you face serious criminal liability, it may be in your best interest to be terminated.
rather than help the government build a criminal case against you.

If, on the other hand, someone ever begins your interview with the "Miranda rights," you should immediately **without exception** assert your right to remain silent and request a lawyer. Never try to simply "talk your way out" of a situation like that alone.

**Conclusion**

As stated above, you must determine whether the closed door meeting you’ve been invited to as “guest of honor” involves criminal, civil or administrative liability. Always consult an attorney if the issue involves either civil or criminal liability.

The way you approach potential disciplinary actions is determined by a number of factors beyond purely legal considerations. Consulting with an attorney early on is never a bad idea, while delaying a consultation with an attorney may limit his or her effectiveness in minimizing disciplinary consequences.

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**Legal Defense Insurance**

And this is the perfect time to remind members that you need legal defense insurance. There is nothing more depressing for us than to be called by a member who’s in the midst of a serious adverse action who doesn’t have insurance. We can give advice and, sometimes, an hour’s consult with an attorney but, as Randy Neal writes, what you really need is an attorney to guide the whole case.

Getting into trouble with a supervisor, other managers or the public is, sadly, independent of how good a ranger you are. Sometimes, it just happens. If your park doesn’t have a union where you can get representation (and, really, even if it does) you absolutely need insurance.

**Lodge Survey Results**

**What changes in LE vehicle markings are needed?**
- Vehicle markings are currently adequate..................................................16.46%
- Vehicle markings need to look more modern/professional..................13.58%
- Vehicle markings need to look more modern and more clearly designate us as law enforcement.........70.78%

**Do you agree with WASO’s plans to rely more on seasonal academies, and decrease time at FLETC?**
Yes: 23.97%
No: 76.03%

**Should the NPS consider sending new seasonals to FLETC instead of seasonal academies, so they don’t have to go as permanents?**
Yes: 55.60%
No: 45.23%

**Are you in favor of rank insignia on the uniform?**
Yes: 62.66%
No: 37.76%

**Which commission revocation procedure do you prefer?**
- The current system, where superintendents can revoke the commissions of seasonals, and where parks and regions hold their own BOIs for permanents..............7.11%
- Treat seasonals the same as permanents under the current system, where parks and regions hold their own BOIs.................................13.81%
- One national standard, like the medical review system, where a single BOI team ensures the same standards and process, and precedent applies to all..............81.59%

**Do you support a single commission type for all employees?**
It would delegate arrest authority and the authority to carry firearms. Restrictions on what certain employees could do – seasonals, those who haven’t been to FLETC, for example – would be in RM-9, but not be in the commission document. This would further enhance the 6c status of those currently with Type II commissions, and save money by not having to issue and account for two types of credentials.

Yes: 78.99%
No: 21.01%

**Priority Ranking of Issues**

1. Pay Parity with other land management agencies.
2. Full basic training at the beginning of one’s career.
3. Availability and quality of professional dispatching services.
4. A uniform that better distinguishes rangers as law enforcement.
5. Improving work-life quality and making the job better for those with families.
6. Revise the General Authorities Act to address shortcomings.
7. Review the seasonal academies, FLETC and FTEP to ensure they are efficient and effective.
8. Modernize the NPS firearms inventory.
9. Improve vehicle markings.
10. A single commission type for all LE.
11. Same commission revocation procedures for seasonals and permanents.
12. Restore rank insignia to the uniform.
13. Allow parks to provide range qualifications to retired rangers.
A member suggested we look into signing up for pro deals through ProMotive.com. This site consolidates pro deals from hundreds of equipment companies such as 5.11 Tactical, Delorme, Marmot, Crimsom Trace laser products and over 200 other law enforcement and outdoor equipment manufacturers. Discounts of up to 70% are available and new brands are added often.

To sign up for the Ranger Lodge's ProMotive Team site, create an account at:
www.promotive.com/fraternalorderofpolicerangerlodge

On the left, click on Have A Code? Then paste in: B664-948F-ADEA-C4D5. Fill in your email address and other information as you click through the screens. The Lodge will approve your membership so it'll take a few days for your account to become active. Write us at rangerfop@sonic.net if you're not approved fairly quickly. Please use the same email you use for your Lodge contact. We will ONLY approve current members in good standing.

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