President's Report
by Tim Woosley

Retirement Badges
I am asking that individual folks stop contacting Blackington to request retirement badges. I have serious questions about the lack of accountability with this arrangement. We all know of cases where individuals have impersonated rangers. We need to set up some sort of system whereby these badges are tracked, otherwise we could wind up in serious trouble. I will personally work with Blackington and WASO to set up an ordering system that is efficient and fair. However, we must realize that the potential exists for badges to fall into the wrong hands. None of us wants that.

Member Assistance
The Lodge has donated $1,000 to Brother Joe Hayes of Lake Mead to help him through his suspension. I was also able to get the Virginia State Lodge to match our contribution.

Brother Hayes has been unfairly suspended and is appealing the decision of the Board of Review. Brother Hayes is using an FOP legal defense plan attorney. If you feel that you have been unfairly suspended please call the Lodge. If you have not yet signed up for legal defense do so now before it's too late.

Federal Officer's Weekend
The FOP Federal Officer's Coalition and the Federal Officers Committee will hold its fourth annual Federal Officers Weekend on March 20-22 in Albuquerque, NM. Registration cost will be $95.00 for single attendees. For Lodges who send three or more attendees the cost will be $75.00. There will be breakout sessions dealing with such topics as: 6(c) retirement, your rights as a federal employee, and Federal Sector Labor Issues. The host hotel rate will be less than $50 per night. Contact the Lodge for a registration form or if you need more information.

WASO Reply to Lodge Letter
I received a call from Chief of Ranger Activities Chris Andress in response to the letter I had sent him regarding rumors of the United States Park Police moving into Chattahoochee NR and other Atlanta area parks. He assured me that the rumors were false and that no moves were planned. I would like to thank Chief Ranger Andress for his prompt reply. To date I have gotten no reply from Deputy Director Galvin in response to our concerns over Merit Systems Promotions and Hiring.

Changes in Housing Policies
by Mike Farley
Lodge Vice President

There are changes on the horizon for the way parks handle their landlord business and it's about time.

Some time ago investigations by the Inspector General's office into housing issues forced Congress to tell the Service to review and revise the conditions where housing is provided to our employees--specifically looking into the required occupancy issue.

Last May the Service issued a reply to Congress attaching the proposed revised policy. The Director has since instructed each park manager to be responsible for determining the minimum number of mission-critical housing units in his/her park area, consistent with the revised criteria.

Also, a Service-wide contract, with an outside agency, was to be awarded late this September to conduct comprehensive inventory and condition assessments of existing housing units and to conduct a needs assessment utilizing the revised policy. Regional Directors are to "be responsive to the findings of each park-specific housing needs and condition assessment study as conducted by private consultant." Public Law 104-333 gives new
authorities to the NPS to look into alternatives to onsite government housing by using the private sector to finance or supply housing on or off-site, where applicable. Three parks are talking with developers that expressed interest, but legal and money issues reared up. The criteria to prioritize trailer replacement and housing rehabilitation projects were completed in December of 1996.

Until the contracted studies can be conducted at your area, parks will begin to do needs assessments to determine the minimum number of houses that are needed to “meet the mission of the park.” This assessment should address the availability of housing in the private sector, an inventory of present housing units with the condition each is in; a “determination of an adequate response time to respond to emergencies outside normal working hours, the number of units designated as a benefit to the park after alternatives are exhausted;” and the number of units that are above and beyond the needs of your area.

A task force from seven regions of the NPS met and drafted a policy in December of 1996 and sent that draft out to the Regions. Regional Directors made this available to the field for comment, but who of you living in a park had a chance to glimpse it to offer comment?

“In addition, the proposed policy recognizes that response time will be the basis for determining an acceptable and appropriate location for employees to live and still meet the mission of the park. This response time will reduce the need for requiring employees to live on site,” the report to Congress states. Area superintendents are urged to look at the response time required for employees in their park.

The report continues: “We will rely upon the private sector for all our housing needs now, and only when there is no alternative housing around will we provide housing.”

Other alternatives may become available if additional legislative authorities are provided.

All in all, the proposed policy appears to me to be very much like the old policy, with the exception that maybe now some teeth come with it! With an outside contractor involved as a one-time watchdog, managers will have to seriously look at the housing issue as should have been addressed long, long ago. There are also clarifications that the old policy didn't have.

The FOP Lodge has long believed that required housing is justified only in cases of remoteness, and that emergency personnel—rangers, snowplow operators, water and sewer plant operators, etc—are the positions that can be designated as required. It has been the practice of management to set up housing in the park as a reward and privilege to themselves and their chosen friends, usually to the detriment of rangers and other true emergency personnel!

Would it be too much to hope for that Congress will require management to move out of the park’s housing? That would reduce housing stocks by 75%.

Why can’t personnel officers, interpreters, public information officers and similar positions form car pools and commute an hour or so? Most Americans do, and in heavy traffic to boot! Let’s hope that your congressional officials realize that during these times of budget shortfalls it would help the National Park Service to end the subsidy of non-emergency staffers.

Let’s hope that the Service upholds it’s promise to Congress in it’s report that “Unlike the current practice of using existing housing units without re-justification, the new policy will direct each park area to conduct a needs
assessment to determine the minimum number of housing units needed or justified to meet the mission of the park!"

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**Injured on the Job: What to Do?**

By Peter Pappas

As a federal employee (seasonal or permanent) you are entitled to benefits if you are injured or killed on the job or are affected by an occupational disease. This program is the Federal Employees Compensation Act (5 USC 8101 et seq.) and is administered by the Office of Workers Compensation Programs (OWCP).

To be eligible, you must be a Federal employee injured during the performance of your duty and must not have engaged in willful misconduct (including having intoxication be the cause of the injury). Your injury must be properly reported and documented. If you are injured, you must file a CA-1 within two days with your supervisor (ideally, you should file this form *that same day*).

If you have an occupational disease (something that occurs over a period longer than one day or work shift) you must file a form CA-2 within 30 days. Examples of an occupational disease would be a chronic back injury or exposure to radar microwaves causing eye cancer. If you require medical attention, you must complete a CA-16 authorizing medical treatment. It is important to keep personal copies of all forms and to follow up to make sure that your supervisor and physician complete their sections of these forms.

If your injury results in lost time from work, you may choose to use your own leave or be placed on Continuation of Pay (COP). You are eligible for full pay under COP for up to 45 days. After 45 days you must file a CA-7 to file for disability pay. This form must be filed within five days after the 45 days is up. After 45 days your agency terminates your regular pay and your compensation comes from OWCP. Your agency may choose to reassign you or put you on "light duty." Any reassignment outside of a primary law enforcement position will prevent you from completing your twenty years of law enforcement service.

In summary, you are responsible for proving your claim for benefits. Make sure that your supervisor and physician complete their paperwork. Keep copies of everything. Consider FOP Legal Defense Plan and outside disability insurance (to make up the difference between your normal pay and disability compensation). If you have difficulties with a claim or questions call the FOP on our toll free hotline or write Lodge Secretary Randall Kendrick. Stay safe!

*Editor's Note:* Worker's comp. claims are a morass. The Lodge Legal Assistance Committee has been getting an increasing number of rangers seeking assistance for claims denied by OWCP (see their article this issue and last issue). We hope to do more articles on this subject in the future. If you have knowledge or expertise in this area, please contact the Lodge to help.

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**USRA News**

by Tim Woosley

A note to readers: From now on I will be separating out Lodge news from USRA news. This is so you will not be confused over the two organizations. If anyone has questions about the USRA please call me at 540/843-0939 or e-mail: twwoosley@shentel.net. In addition, if anyone would like a copy of the provisional Constitution and By-Laws of the USRA please contact me. This will give you a better idea about how it will be organized and run.

**FLRA Hearings Resume**

The unfair labor practice that was filed by the intervener unions during the USRA hearings has been dismissed by the Federal Labor Relations Authority (see *Federal Times* article this issue). This reopens the hearings to determine the status of the USRA. We anticipate that the hearings will resume sometime in December. We are very pleased with the FLRA's decision.

**Unfair labor practice dismissed by the Federal Labor Relations Authority**

The decision confirms what we have known all along—that the charges were unfounded. These stall tactics are merely delaying the inevitable—the certification of the USRA. We will continue to fight for what is right. A reminder: if you see any postings by any other union seeking to represent employees at your park that includes commissioned rangers, corrections officers, or criminal investigators I need to know about it immediately. Send a copy of the posting to my address: 9 Nichols Rd. Luray, VA 22835.

**USRA Solicitation Letters**

I have been sending out letters asking that you donate to the USRA. Please take the time to read the letter and send in a donation. We need to be in a strong financial position before the election occurs.

I am in the process of looking for companies that will be able to raise funds for us on a nationwide basis. If I am successful there will be no need for me to ask you—potential bargaining unit members—to donate. I am still
waiting for the window decals to come in. When they do come, they will be mailed out to those of you who have already donated. Anyone wishing to order a USRA Supporter window decal can do so by mailing me $1 for each one to: USRA, 9 Nichols Rd. Luray, VA 22835. The decals are 4" x 4" and are green and white. It features the USRA Eagle logo with the wording United States Ranger Alliance Supporter. Unlike adhesive decals, these can be lifted off surfaces and reused.

Shop Stewards
The success of the USRA will depend on how well grievances are handled at the park level. The shop steward is the most important part of the grievance process. They will be the first level of contact for a bargaining unit member to go to if you have a problem at your park. The USRA is organized in much the same way as the NPS. It will be divided into regions and within these regions will be parks.

The USRA Constitution and By-Laws stipulate that every park that has at least 10 individuals eligible to be in the bargaining unit will have a steward. If a park has less than 10 people then they will be combined with other parks in the area. We will try to combine parks that are near each other. Remote parks will most likely have to have a shop steward in it even if there are not at least 10 eligible employees.

All training for shop stewards will be paid for by the USRA. In addition, there will be Regional Shop Stewards and a Chief Steward. If anyone is interested in becoming a shop steward please contact me. Again, it is necessary for us to begin identifying these individuals now so that we can be ahead of the game when the official vote occurs. We want to be able to begin taking care of business as soon after as possible.

An Open Letter To Yosemite Commissioned Personnel
I have received a letter that was posted at YOSE asking you to support the Laborers International Union of North America (LIUNA). This letter is nothing but a shameless plea to get you to join a union that will not serve your needs. Let me make it clear that I will not be baited into a debate over how well, or poorly, LIUNA has represented rangers in other parks. I can say with all confidence that the USRA can, and will, do a much better job. Despite what they tell you, it is not dead. LIUNA's letter contains all the evidence I need to determine that no prompting from me is needed to convince you of which organization is more suited to your needs. Furthermore, I find it personally reprehensible LIUNA would claim that they, and they alone, are restoring the 'park service family' and 'traditional park service values.'

How can they if they represent Rangers in only three out of over 300 parks? The USRA will represent EVERY non-supervisory, commissioned employee in the Park Service. Who will be in a better position to fix what is broken? I urge you to see past this propaganda and remain steadfast in your support of the USRA. Please contact me personally if any further communications from LIUNA are posted. Particularly if they file a petition to represent all employees at YOSE including commissioned rangers, corrections officers and criminal investigators. We stand at the ready to intervene in this process so that you will not be trapped in a union that cannot address your problems. Thank you for your support and confidence in the USRA.

Sincerely,
Tim W. Woosley, President
United States Ranger Alliance

Retirement Seminar
Ed Clark and I are working with a company called Life Span Services, Inc. to put on a mid-career retirement seminar March 23, 1998 to coincide with the FOP's Federal Officers Weekend in Albuquerque, N.M. Government funds are authorized to attend these seminars. I received rave reviews from attendees at the one held in Gettysburg. We will need at least 20 persons to register for the seminar. The registration cost will be $200. Modules include federal benefits, thrift savings, life and health insurance, and enhanced annuity retirement. Each participant will receive The Planning Companion which you can use to further plan for retirement. This seminar will be open to all federal employees. We will have further information in the Federal Times and Morning Report.

Park Rangers Push for Union
Decision Opens Door For Law Enforcement
by Jacqueline Gaulin
Federal Times Staff Writer

(From the Federal Times 11/10/97): The National Park Service did not break the law when it helped park rangers attempting to form a union, according to the Federal Labor Relations Authority.

After a six-month investigation into charges that the park service gave unlawful assistance to the U.S. Rangers Alliance, FLRA's regional director Oct. 23 decided not to issue a complaint against the agency.

"This decision says agencies can work with employee organizations without fear of an unfair labor practice sustained against them," said John Mahoney, the attorney who represented the rangers.
The decision clears the way for FLRA to proceed with hearings to determine whether law enforcement rangers will be allowed to vote for union representation.

The nationwide union would represent about 1,000 rangers who are law enforcement officers, criminal investigators, special agents and jailers. Law enforcement rangers would be allowed to leave other unions to join the new one.

FLRA began hearings in March to decide if a new union is appropriate but four unions filed charges alleging the park service ranger activities office in Washington, D.C., illegally aided the rangers by meeting with them and referring rangers seeking advice to the Fraternal Order of Police.

According to the complaints, Fraternal Order of Police Vice President Dan Kirschner, a supervisory ranger, "unlawfully" assisted the U.S. Rangers Alliance by acting as a technical adviser for the rangers during FLRA proceedings. He also provided financial support to the rangers, the complaint said. The hearings were halted while FLRA investigated the charges.

The American Federation of Government Employees, National Association of Government Employees, National Federation of Federal Employees and the Service Employees International Union represent a variety of employees at parks nationwide.

Those unions say the FLRA decision threatens the future of labor unions.

"This decision sets a bad case law precedent," said George Reaves Jr., NAGE national representative in Hampton, Va. "It says you can come in and sever a small group of people, pull out one occupation from an existing bargaining unit. What does this do to federal-sector labor law?" Reaves said the union will appeal FLRA's decision. Calling the charges "preposterous," Mahoney said the complaints were an attempt to block the FLRA hearings to consider whether the rangers should have a union.

"The regional director's decision affirms what the [Ranger Alliance] has asserted all along, namely that the ULP [Unfair Labor Practice] charges were meritless," Mahoney said.

"Essentially this was a defensive tactic to prevent the rangers from having the freedom to form a union," John Mahoney, P&K

Under civil service law, an agency cannot sponsor, control or otherwise assist any labor organization unless it is spelled out in the contract between the labor organization and the agency.

Mahoney said the Fraternal Order of Police is an employee group for law enforcement rangers, not a collective bargaining unit or a labor organization. Some rangers are represented by the unions who filed the ULP charges.

"Essentially this was a defensive tactic to prevent the rangers from having the freedom to form a union," Mahoney said. "It was an attempt to stop the rangers from leaving their unions.

"A majority of the rangers are not represented," Mahoney said.

"They feel that they have separate community interests from other park employees because they enforce criminal laws."

The rangers say they want their own union because they have different employment interests.

"They face significant risks every day that other employees don't have to," Mahoney said.

The park service has said it opposes the U.S. Rangers Alliance. A nationwide union would not promote "effective dealings with the agency," according to the park service.

FLRA is expected to conclude the hearings in about two weeks.

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Emergency Survival Kit
From the Lodge Legal Assistance Committee

Editor's Note: this article continues suggestions from our last newsletter outlining points members need to keep in mind when facing an adverse action.

The Ranger Assistance Committee has heard it all. Most of the cases we get seem to be the worst of the worst. They are the cases that do not move toward a quick resolution and a Board of Review is called. This should not be viewed as a reflection on the affected ranger, however. We do not pass judgement.

When you get called for assistance from another officer, I'm certain you do not stop and think about negative impacts you can anticipate from your park and supervisor—you go to help the ranger. Yet we have received suggestions from the field that we not help or that we limit our help only to certain rangers. The reasons may be justified and I respect the opinions given. However we feel confident that we should give assistance without judgment.

Judgement is in the hands of the
Agency and the Courts. Our policy is simple, we as park rangers enforce the law where the violator is considered innocent until proven guilty. As a Lodge assistance committee we try to support all rangers: they too are innocent until proven guilty.

Get educated about your job and get prepared. You obviously know the legal system but when it comes to your job do you know your rights or how the administrative system works? As an example, when can an employee sue a supervisor? In the last article we wrote that we must never be insubordinate, except for true safety reasons. Certainly if you under the direction and fault of your supervisor become injured and the supervisor can be shown to have caused and/or known of the danger, you should be able to sue for damages. I would have thought at some point the supervisor and the park would be forced to pay. Sorry, not in the case of federal workers. We must deal with the Office of Worker’s Compensation Programs (OWCP). Be afraid, be very afraid.

OWCP is the system that, for instance, pays a maximum number of 244 weeks of compensation for the total permanent impairment of one hand. Again, I must say that we are not trying to scare you out of the ranger workforce. Scare you into knowing the system and being prepared? YES.

We have seen supervisors, for whatever reason, not forward CA-1’s, electing to wait to see if the injury will require treatment. Whatever the reason, make certain you obtain a receipt for the CA-1 from your supervisor. Furthermore, we all tend to underreport our injuries. We have a dangerous job—the environment and conditions we work in are not easy or safe at times.

Although we do not know where fitness testing is headed, it’s quite possible that if you are deemed by the park to be unable to do the job at 19 years of service, you may be out with only Worker’s Compensation checks to show for it. This is already happening. The agency has no obligation to find you another position, let alone one with 6(c) coverage. Some rangers the Assistance Committee has helped have been lucky in being reassigned to a covered position, others have not been so lucky. How lucky do you feel? Your family deserves more than your luck, no matter how lucky you are!

I can’t say this often enough: At the first sign of trouble get advice and help! There is a lot of questionable advice out there. Rangers (except the Lodge Assistance Committee) are not usually the best place to get advice on employment issues. So be smart and verify everything.

The agency has no obligation to find you another position, let alone one with 6(c) coverage.

In addition (continued from Vol. VIII No. 5 of The Protection Ranger):

**Point 4** File all legitimate claims for injury with a CA-1.

**Point 5** Obtain a receipt for the CA-1 from your supervisor.

**Point 6** Obtain the Pamphlet CA-550, Questions and Answers About the Federal Employees’ Compensation Act. This publication is available from the Government Printing Office at 888-293-6498 (or www.access.gpo.gov).

**Point 7** File a CA-1 for injuries incurred while responding to an emergency from your residence in a POV. (See # 29 of Questions and Answers About the Federal Employees’ Compensation Act.)

The Lodge continues to build it’s e-mail list of members. This is a great way to get timely announcements of important issues between newsletters. We also announce calls for articles and deadlines for each Protection Ranger by e-mail as well as solicit discussion of emerging issues. So, if you’d like to get occasional announcements of Lodge related news and updates, send an e-mail note to: gdurkee@sonnet.com Please include your park’s name as well.

Rick Holt also runs a ranger discussion group list server not connected to the Lodge (messages sent to a list server are then forwarded to all members and subscribers of that group). Rick’s list is developing quite a diverse group and includes federal, state and county agencies throughout the nation and even the world. To subscribe, e-mail your name and a brief biography to: parkranger-owner:majordomo.pobox.com

If you’d like to get a short e-mail message when the U.S. Park Ranger Lodge Web page is updated with new information send e-mail to: mike.fop@juno.com; in the subject line put update and in the message put your name (only) as it appears on the membership list. To be removed from the mailing list is just as easy, just include get me off this list with your name in the message.

The Protection Ranger is always looking for articles of interest to your fellow rangers. Call or write any Lodge Board member with your ideas.

Next newsletter deadline is:

January 20, 1998

Send submissions to:

gdurkee@sonnet.com
Important Web Sites

Lodge Web Site
http://home.earthlink.net/~bikeranger
(Recently Updated!)

Passman & Kaplan
www.passmanandkaplan.com

Code of Federal Regulations
www.access.gpo.gov

United States Code
www.cornell.edu/uscode

Should You Seek Legal Redress?
Judicial Climate and the Long-Run Realities
by Helen Phillips

First, a disclaimer. This article does not constitute legal advice. Seek legal advice only from a lawyer.

If you are now or ever in your life reach the point of considering legal recourse, chances are you are thinking in terms of whether you have a valid case. You are probably asking yourself whether you have evidence to prove your case in court if need be; whether the issue is worth the money you may invest in a legal battle; or whether you can find a good lawyer. Those are natural things to be mulling over.

I'm writing this article from the school-of-hard-knocks to suggest there is something else to look into during your mullings. That is the judicial climate and how it can affect everything about your case.

If you've worked as a NPS LEO for awhile, you have probably learned from the experience of taking cases to court that different AUSA's and different magistrates make quite a difference in the outcome of your cases. If so, then you are on the right road to questioning judicial climate, but you aren't yet very far down that road.

Don't take chances with the financial, emotional, and legal investment you might decide to make.

What I am talking about is NOT the personality of the AUSA/magistrate, but the political realities that determine what sort of AUSA's and judges/magistrates get into office. Those political realities, in turn, have a strong influence on what sort of cases get to court and what sort of cases do not get into court, as well as on the outcome of those that do. Unfortunately, it is not just the merits of your case and the worthiness of your lawyer that count.

A case in point: gender discrimination. These are not popular cases with judges, as detailed in an article in this month's American Bar Association journal. Judges anywhere are reluctant to hear gender discrimination cases and virtually refuse to in some localities, such as within the Fourth Circuit Court of Appeals states (North and South Carolina, Virginia and West Virginia). From what I understand, that is due to a very conservative political situation in these states.

Take North Carolina as an example. The voters of North Carolina keep reelecting Jesse Helms—he presumably represents the political desires of the state's voters. Jesse Helms has been around quite a while and has had a long and strong influence on the state's federal judicial appointments. Naturally, he tries to ensure that appointments represent what his voters want: strong backing for the capitalist system, i.e., employers over employees. It's difficult to win any employment issue in North Carolina; women's issues are way down the pike.

North Carolina state judges are elected and thus also represent the wishes of the electorate: usually very conservative and also favoring employers over employees. The Fourth Circuit Court of Appeals has a reputation for even greater conservatism than North Carolina.

There are more impacts than you might suppose. In other words, the judicial climate has ramifications further than the question of whether you will ever get your case heard in court. Here are two:

1. Should the judicial climate be such that the type of case you are pursing rarely makes it to court, finding an effective lawyer becomes next to impossible. A hard-hitting, ambitious lawyer does not want to practice in an area where s/he can not get cases into court — i.e., where they are routinely dismissed by judges before they get to court. A hard-hitting, ambitious lawyer will want to practice in an area where s/he can win cases, make a name and earn a living.

In a judicial climate unfavorable to your issue, an honest lawyer will tell you that your chances of winning are next to nil, but an unscrupulous lawyer will be happy to take your money and bleed you down along a no-win road.

2. Because lawyers and judges or magistrates are highly aware of the impact of political realities on court decisions, their actions are affected all along the route preceding trial in court. Therefore, consider mediation and/or settlements.

Mediation, an attempt at a negotiated settlement, is now a required part of the federal judicial process. It's a good thing—much better all around to settle out of
court, if possible. At any point, the two sides’ attorneys can propose and discuss settlement.

But why should the side opposing you settle out of court if they know all along that the case will never get to trial due to the judicial climate? Why should they come to the mediating table in good faith if they know they are going to win anyway. Alternatively, they might suggest a settlement so far below equitable that it doesn’t occur to you to accept.

If you take the time to think about past historic situations, you will realize none of this is new to you. For instance, people of color living in the American South in, say, 1920 probably had a difficult time finding a lawyer willing to take a case of racial discrimination. Judges probably dismissed such cases on flimsy grounds—settlements or “deals” probably weren’t considered. The prevailing political climate made it very difficult to pursue cases of racial discrimination. As another more recent example, the prevailing political climate favored big business on environmental issues. Your task is to discover whether a prevailing judicial climate would effect the outcome of your case.

How can you find out what the prevailing judicial climate on the issue and in the court system you might be utilizing? Don’t take chances with the financial, emotional, and legal investment you might decide to make. Judicial climate should be high on the list of interview questions you take with you when you interview lawyers to decide whom to hire. An honest, competent lawyer will volunteer this information to you. Also ask:

♦ Your local and/or state Bar association.
♦ Your union, if you have one. Even though (I am assuming) this is not an issue that your union can take for you, the union lawyers may be willing to discuss judicial climate.
♦ The League of Women’s Voters exists to disseminate information on political issues. See what information they have available.
♦ Call your state’s Civil Liberties Union.
♦ On the issue you are taking, there may be organizations that keep a watch on the judicial climate: i.e., for an issue of racial discrimination the NAACP probably would offer good advice; a person with a physical handicap might seek assistance from the American Disabilities Association, and so forth.
♦ The Internet now offers many sources of legal information (as a start, check out Passman & Kaplan’s site at: www.passmanandkaplan.com).
♦ For almost 10 years, our FOP Lodge has been assisting members by putting us in touch with others who have been through something similar.

Contact the Lodge to find out whether they can offer advice or connect you to someone who’s experienced a similar issue. Someone who is further down the road can be of invaluable assistance. Just remember, if that person is in another area of the country, the judicial climate might be very different there and their experiences (such as success in negotiating a settlement) might be very different from what you will encounter.

I am suggesting that you do the same thing you do well as a law enforcement officer: ferret out the facts so that you take the step of legal recourse with open eyes. Or, perhaps, decide it is not the wisest route for you after all. It is well worth the time and possible small investment in long-distance calls to make the search.

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**Investigating Domestic Violence**

by Toni Macri, Sandy Hook

The increase in violent domestic assault in the U.S. has brought about stricter laws pertaining to the punishment of its offenders. The federal government recently placed bans on any person possessing firearms who has been charged with domestic violence. This is whether or not they have been prosecuted, just the charge will do.

As with any crime, the National Park Service is no stranger to domestic violence. People under pressure to “enjoy their vacations” are sometimes just a step away from participating in domestic violence. With alcohol a factor, the outcome can be violence. Many Park areas often experience the results of domestic violence.

Domestic violence can occur anywhere at any time. Maybe your park has inholdings, campsites, or park employees living on site. Working a recreation area can sometimes produce domestic after domestic on a busy summer weekend.

Many states are altering their laws pertaining to the arrest and prosecution of offenders. In the past, many laws required the cooperation of the victim to successfully prosecute the actor. Now many states have changed their laws so officers can proceed with an arrest and prosecution by their observations and collection of evidence.

I have been successful in having some federal prosecutors proceed with these cases in this manner. What it will require on the park’s LE rangers and/or criminal investigators is to check your
state’s laws and speak with your prosecuting U.S. Attorney. With the problem of domestic violence increasing, many prosecutors are more willing to move forward with a domestic violence case. It is a better way to handle these cases than, say, to release with a disorderly ticket.

Many times the offender upon being released on bail will pressure the victim against testifying. In the past that would be enough to lose the case entirely, and that problem still exists. However, the following investigative steps can be followed to build your case against an offender whether or not the victim is willing to testify.

Evidence Collection As with any investigation, evidence collection is vital to your case. Use a checklist of relevant items that will help remind you what you’ll need during the hectic on-scene commotion. All items such as bloody clothes, fingerprint scrapings and 911 emergency call tapes should be collected and inventoried. EMS reports will also be helpful to add into evidence. Remember, all tapes or reports not in original form will have to be proven worthy in court. A reason why the original report is not in court, if that is the case, will have to be explained.

Statements Record all excited statements exactly as you hear them upon your arrival and during the duration of your stay at the crime scene. Possibly a second Ranger can devote their entire time at the scene to recording such statements. Also document the appearance and physical state of the victim and actor.

Photographs One of the most important investigative tool next to evidence collection. Photograph the victim’s injuries, overall appearance and the crime scene. Black and white film will sometimes show the injuries better than color. If both film is available, both should be utilized for documenting the victim’s injuries. Crime scene sketches, if appropriate, should also be done. If an arrest is made, mug shots should be taken to show the offender’s appearance to the court, especially if self defense is claimed.

With the problem of domestic violence increasing, many prosecutors are more willing to move forward with a domestic violence case.

Interviewing Interview all witnesses, if any, at the scene and document each one. If the victim is able, have them prepare a statement on the events that happened. If the victim is unable to write, have a ranger document the statement word for word. Have the offender also prepare a statement in their own words.

AUSAs should be advised of the arrest as soon as possible and, in addition to the evidence, advised on the subject’s ability to flee and any past history of violence as evidence for bail or non-release. All criminal histories and past acts that tend to show the offender as violent should be documented.

For further reading on the subject, there is a good article by Lt. George Wattendorf in the April edition of the FBI Bulletin.

Secretary's Report
by Randall Kendrick

Renewing Your Membership Please check the expiration date on your address label and if your membership expires within a month or two, won’t you please go ahead and send your dues to the Lodge? It saves us money if we don’t have to send out renewal notices and frees up this money to work for Lodge programs to benefit members. Lower administrative costs make for a more efficient operation to serve you. Dues will remain at $52/year for permanent rangers; seasonal rangers and retired members pay $35/year.

Problems? Don’t let misspellings, missing issues of the Protection Ranger, faulty addresses and inaccurate expiration dates upset you. Call the Lodge at 800-407-8295 and give us the chance to fix the problem.

Assistance to Members The Lodge has helped dozens of members with professional problems by getting them the best information so that they can defend themselves. In addition to adverse actions and commission suspensions and revocations, we’ve also assisted members in problems with required housing, unequal implementation of NPS-57 and ranger careers, unfair payment of overtime and the like. Of course this costs quite a bit in time and money, but it’s one of the benefits of Ranger Lodge membership that is available only to members.

How much is it worth for you to leave required occupancy and get a real home for you and your family? The Lodge has helped more than a dozen members move out and retain good relations with management. We’ve helped in other ways that we don’t talk about in the Protection Ranger. This service has been on line for as long as we’ve had the Ranger Lodge; we’ve just gotten better with our service as we’ve gained more experience. This is one very big reason why you should remain a member in the Lodge. It’s also a big reason why you should help sign up new members: The more members, the more resources we have available to assist all members. Renew today!
Extra Protection Rangers The Lodge usually prints 30-40 extra copies of each issue of the Protection Ranger and has these available to mail to those members who will pass them on to a non-member or will leave them in coffee rooms, offices, etc. where LE rangers will see them. E-mail or write the Lodge and we'll mail a couple to you to give out. Lodge e-mail address: randallfop@tcia.net

Retired Member Pins One of the heartening things that has occurred over the past seven years is that over 90% of active members of the Lodge who have retired have remained members. If you retire in good standing, you retain all rights and privileges, including the right to vote in Lodge elections and serve as Lodge officers. The annual fee for retirees drops to $35/year. If you are retiring, the Lodge has a nice FOP Retired Members lapel pin that we would like to send to you free. We don't see personnel records, so we don't know who is retiring, so you'll have to tell us. We invite all retirees to contact the Lodge, let us know that you are retiring and give us the chance to send you this gold lapel pin.

NPS-57 If you recall, a couple of issues ago we asked the membership to tell us how NPS-57 is being implemented in your park. The results point out the #1 problem with management today:

Each park implements—or refuses to implement—NPS-57 on a make-it-up-as-you-go-along, we-don't care-what-other-parks-do basis.

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Without naming names: one small park has two state of the art treadmills, four universal machines and ample free weights. One medium park has tried to coerce rangers into paying for their screening physicals from their own health insurance; one large park has refused to give any work time for physical training while requiring rangers to pass the battery of tests; one large park has yet to begin the program; one large park allows work PT time, but only rarely tests rangers and has very limited equipment; one small park misuses the screening physical exam requirement to tie retention of rangers' LE commissions to a doctor's opinion that the ranger can or can't be certified for "arduous duty," and so it goes. There is no uniformity.

Thanks to all the members who took the time to respond. A national contract would force uniformity in this and all other policy areas. Without a contract, you could go from a park where NPS-57 is all but forgotten about to one where you are rigidly tested and your career could be adversely impacted without warning. Rangers need the protection only a national contract can ensure. Would you buy a car without a warranty? Isn't your job an investment too?

Mike Farley Elected Vice President for Operations

(The Lodge Board recently elected Mike Farley to fill the remainder of Ed Clark's term as VP of Operations)

I am honored to have been chosen to fill the remaining term of the vacant Vice President for operations position. I will be serving temporarily until the next general election of the Lodge where nominations will be accepted to fill this position.

I asked to assist on this position in order to repay the Lodge for the many benefits it has provided me. High on my debt list would be the 6(c) work the Lodge has done. However I feel that most important is the assistance the Lodge provided me in the early 90's in my quest to be released from required occupancy of government quarters.

I plan to work on strengthening the
chapter structure as well as ensuring that the membership has the services they need and want in a timely fashion. However it is up to you, the members, to voice your needs. While I am extremely intelligent, I'm not telepathic. Please call the Lodge or e-mail me at: mike.fop@juno.com with any needs or suggestions you may have. Thank you.

**Tracing Crime Guns**

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That's a deadly combination that Calibre Press has emphasized for years in its popular Street Survival Seminars. Now the Bureau of Alcohol, Tobacco and Firearms has nailed down some hard figures that suggest the disturbing dimensions of the problem.

In a 220-page, 17-city analysis distributed last month at the annual conference of the IACP in Orlando (FL), ATF reports that:

- Nationally, 1 out of 10 firearms recovered by police is from a juvenile (17 and under). When youth (ages 18-24) are included, the number is 4.5 out of 10. In 2 cities—Seattle and Memphis—juveniles alone account for over 20% of recovered crime guns.
- Overall, semi-automatic handguns now are more common crime guns than revolvers, the latter accounting for no more than 41% of crime guns in any of the 17 cities.
- Among crime guns recovered from youth, up to 25% were shotguns (in St. Louis) and up to over 17% were rifles (in San Antonio).
- A strong black market is supplying new firearms to juveniles and youth, at a rate greater than to adult offenders. The ATF study reveals, for example, that from 30% to 54% of firearms recovered from youth are new, compared to 25% to 46% of crime guns traced to adults.

One way to stem the tide of guns to criminals of all ages in communities of all sizes, according to an IACP panel on "Illegal Firearms Interdiction Strategies," is for police to trace every gun recovered from crime scenes and criminals through ATF's 24-hour-a-day National Tracing Center (NTC) in Falling Waters (WV), which is accessible—free—to law enforcement officers throughout the world.

"Don't just take a recovered gun and put it in evidence," urged Jerry Nunziato, special agent in charge of the NTC. "Send the specs to us and we can tell you more about the history of the gun. When and where was it made? Who sold it? Who bought it? Where did it come from and how did it get to your crime scene? Often in police shootings, you may have a weapon left at the scene but the offender escapes. We may be able to link the gun to someone."

The NTC, which deals exclusively with crime guns, processes 2 types of traces: urgent and routine.

An urgent trace, which can be completed within 24 hours, involves a firearm used in a crime of violence or involves information that is essential to apprehend or hold a suspect, or to obtain a search warrant. Urgent traces are initiated for crimes like homicide, kidnapping, terrorism, sex offenses and other significant illegal activities in which time is of the essence.

Routine traces, usually completed within 15 days, often involve crimes such as carrying a firearm without a permit, burglary and firearms trafficking.

Through the NTC's laboratory capabilities, even guns on which the serial numbers have been removed or obliterated often can be traced. By Dec. 31, the NTC will have traced over 200,000 firearms this year—twice the number it investigated in 1996.

You can contact the NTC with trace requests by telephone, fax or mail:

National Tracing Center, Spring Mills Office Park, 2029 Stonewall Jackson Dr., Falling Waters, WV 25419. Phone: 800-788-7133; fax: 800-578-7223. Normal business hours: 0800-2300 eastern time, M-F. For urgent traces after hours, call 800-800-3855.

The 17-city ATF report cited at the beginning of this transmission is called: "Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Markets in 17 Communities." Copies are available free from ATF's Office of Liaison and Public Information, (202) 927-8500.

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POB Routing Number
Bassett, Patrick Henry National
Section 3:
Agency Agency
Section 2:
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you'll have to send us a check for the full amount. Otherwise fill out the Form 1199 as follows:
Section 1:
Block C: Write in your Social Security Number.
Block D: Check the Checking box.
Block E: 090220704401
Block F: Check Other FOP Dues
Block G: Type: New Amount: $2.00
Section 2:
Agency Name: USDI-National Park Service
Agency Address: Your Park's HQ Address
Section 3:
Name and address of Financial Institution:
Patrick Henry National Bank
POB 1776
Basseti, VA 24055
Routing Number
0514-0547-6
Sign with your name and Date (Section 1) then send to the Lodge at POB 151, Fancy Gap, VA 24328. We'll have our bank sign it and then we will send it to NPS payroll. We realize this is, initially, a little more complicated. Ultimately though, it makes your dues paying a little more painless and our cash flow a lot steadier. We hope you'll choose this option.

Your dues cover a legal assistance fund available to all members. Members of the Lodge will automatically be entitled to initial and free legal advice from Passman and Kaplan for service-related problems. The Lodge may cover additional legal services for a member. Your dues are used extensively to cover legal expenses involved in questions or challenges to LE retirement cases of national importance, LE Backpay claims, FLSA coverage and overtime disputes, as well as individual assistance to members in need. Thank you for maintaining your membership in the US Park Rangers Lodge.

U.S. Park Rangers Lodge
Fraternal Order of Police
POB 151
Fancy Gap, VA 24328

LODGE MEMBERS: Please check the Renewal Date on your address sticker and renew if necessary. Get Form 1199 Direct Deposit, from your Fiscal Office, and pay your dues in easy installments of only $2/pay period! Thank You!

Lodge Phone: 800-407-8295
10 am to 10 pm Eastern time

or, use our e-mail address: RandallFOP@tcia.net

Application for Membership
I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the U.S. Park Rangers Lodge, FOP. If my membership should be revoked or discontinued for any cause other than retirement while in good standing, I do hereby agree to return to the Lodge my membership card and other material bearing the FOP emblem.

Name: ____________________________
Signature: _________________________
Address: __________________________
City: ______________________________
State: _____________________________ Zip: ______________
DOB (required):
☐ Permanent Rangers: $52/year (or $2/pay period using Form 1199 Payroll Deduction).
☐ Seasonals and Retired Active Members: $35/year. Both seasonal and permanent members are entitled to assistance from our Member Assistance Committee for Service related problems.
☐ Associate (non-Commissioned) Membership (newsletter only): $35/year.
Renewals: You do not need to send in this form to renew. Enclose a copy of your Commission (new members only).
Park Area: _______________________

Mail To: FOP Lodge, POB 151, Fancy Gap, VA 24328