



PBA: A Critical Need In A Time of Emergency

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It's 1:30 am and most people have already retired for the night and are fast asleep. But, for law enforcement officers who are working the night shift, it is no different than 1:30 in the afternoon. The duty to protect doesn't stop just because the streets are empty and the city is quiet. There is someone out there who is attempting to or is committing a crime.

A call goes out to an officer working patrol duty for the night and he responds to the call of two men attempting to rob a convenience store clerk. A second officer responds to the call and both officers arrive at the scene within seconds of each other. While the officers approach the convenience store, the two men inside take flight. The officers pursue the men by foot. One officer catches up with one of the suspects fast and is able to capture him and effect an arrest. The second man continues to run, and as the officer yells for him to stop, he notices that the man is reaching in the back of his pants as if he is trying to draw a weapon. The officer places his hand on his duty weapon and is gaining advantage of the suspect. Just as he is nearing the suspect, the suspect draws a hand gun and points it toward the officer. The officer yells for him to drop the weapon. Instead, the suspect points as if he is about to pull the trigger; the officer fires his weapon, hitting the suspect. The suspect falls down from the gun shot wound and dies at the scene. By now it's 2:12 a.m.

Fortunately, the officer is a member of the PBA. After notifying his superiors of the status of the incident, he calls PBA. The PBA on-call staff member for the evening speaks to the officer and advises him that a PBA attorney will be contacted. The PBA attorney is contacted by the on-call staff member and provided with information on the officer, including his location. The PBA attorney is on the scene by 2:45 a.m. to provide legal assistance to the officer.

A case such as this one will certainly involve an internal investigation and a criminal investigation as well. A lawsuit is likely to follow. By being a member of PBA, this officer will have representation as he gives statements and the matter is investigated. The case could proceed to a grand jury and, conceivably to trial; PBA representation continues, so long as the matter remains within coverage requirements. In addition to any criminal proceedings, the PBA member will have access to representation in administrative proceedings and civil litigation arising from this incident. This is the type of service that PBA legal services prides itself upon. It is the goal of PBA legal services to provide prompt and quality legal assistance to law enforcement officer members of the PBA when emergency situations arise. Situations such as shootings and serious accidents are not only physically and emotionally critical for law enforcement officers, but legally critical as well. Following these emergency situations, officers are asked to give statements and to answer many questions about the incident. There are times that they should and should not speak and need to be aware of their rights as police officers. PBA legal services strives to have attorneys present at these critical moments regardless of the time, day or night. As a PBA member, if you find yourself involved in a critical situation like the one above, remember that PBA legal services is here for you. Make sure you contact PBA as soon as time permits. Doing so can save you and your family a great deal of anxiety and uncertainty, and it can help preserve your career and your freedom.

Frequently Asked Questions for the Legal Department

What are the requirements for eligibility?

The member must be in good standing (with dues up to date) at the time of the incident and at the time he or she requests legal service – with no breaks in membership – and must maintain membership throughout the course of representation.

Are all types of incidents covered?

The incident must arise from the officer's performance of a law enforcement function to be covered.

Is chapter approval required for representation?

Only in grievance and disciplinary cases. Legal defense incidents such as shootings, serious accidents, or death in custody situations do not require chapter approval for representation.

If I quit law enforcement while being represented, does coverage continue?

No. Leaving law enforcement disqualifies you for SSPBA membership and makes you ineligible for continued coverage.

Am I covered in off-duty jobs?

SSPBA does provide legal service for law enforcement functions carried out in an off-duty job approved by your department.