H.R. 218/S. 253:  
Off-Duty or Retired, A Police Officer Is Always On Call

When the Fraternal Order of Police talks about the passage of H.R. 218/S. 253 as an officer safety issue, we mean it. A police officer may not remember the name and face of every criminal he or she has locked behind bars, but criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out; active and retired; on duty and off.

Consider these tragic stories about police officers, one off-duty and one retired, who were targeted by the men they put behind bars:

- **Retired New York State Supreme Court Police Officer William Kirchoff**, a seventeen-year law enforcement veteran who was forced into retirement in 1989 as a direct result of an injury received when he was assaulted on the job, was the target of a contract assault/attempted murder. Tony Mattino, a career criminal with a long rap sheet for illegal possession of firearms and drugs, was arrested and charged with assaulting Officer Kirchoff’s fifteen-year-old daughter. Mattino was convicted for the assault and, prior to sentencing, threatened Officer Kirchoff. On 21 February 1998, he made good on his pledge. A pizza delivery man arrived at the officer’s home. Officer Kirchoff had not placed any delivery order, and would not allow the man inside his home. He did offer the delivery man the use of his cordless phone—at which point he was attacked. The man, wielding a metal baseball bat, forced his way into the house, striking Officer Kirchoff more than ten times. His ten-year-old son was in the home at the time of the attack. The officer was unarmed and had no firearms on his person or property. Ultimately, Officer Kirchoff was able to drive off his attacker, who remains at large to this day. Mattino is also currently free on probation. Since the attack, Officer Kirchoff has a license to carry in New York and six other States.

- **Off-duty Police Officer Tim Brauer** was having dinner with his family in an Oklahoma City restaurant, outside his jurisdiction. While in the restroom, he was attacked by a man he had previously arrested. At the time, Oklahoma State law permitted off-duty law enforcement officers to carry their firearms only within their home jurisdiction. In obeying the law and leaving his firearm at home while out with his family, he was left vulnerable to his attacker. Officer Brauer suffered severe injuries, but he lived and his family was not harmed. Oklahoma law now permits officers to carry throughout the State.

Retired and off-duty law enforcement officers often react to situations immediately—which is what they have been trained to do. The following stories show that retired and off-duty officers respond even when unarmed, which can all too often have tragic consequences.

- In 1999, **Retired Philadelphia Police Officer Frank King** was relaxing in a neighborhood bar when the place was stormed by armed robbers. He attempted to intervene even though he was unarmed, and was shot and killed.
• On the 4th of July 1999, **Off-duty Police Officer Alfredo Rodriguez of the Nassau County, New York Police Department** was driving to Norwich, Connecticut with his wife and four children when he observed a Norwich Police Officer attempt to arrest a highly intoxicated man running in and out of traffic. A second man attacked the Norwich officer from behind and attempted to take his firearm. Officer Rodriguez, although unarmed, pulled over, left his family and rushed to the aid of the officer. He was able to free the Norwich officer from a chokehold and disarm the attacker, who had successfully gotten the Norwich officer’s firearm. The two officers restrained the initial suspect and battled the second until additional uniformed Norwich officers arrived. Officer Rodriguez was awarded Nassau County’s Medal of Distinguished Service for his actions, which undoubtedly saved the life of Norwich Police Officer Peter Camp.

• In August 1997, **Retired Philadelphia Police Officer Charles Roby** and his wife were attending the National Conference of the Fraternal Order of Police in Orlando, Florida. While at their hotel, they were attacked by a young man who had what appeared to be a small caliber handgun. He forced the two into their hotel room and demanded money and jewels. Officer Roby, who was unarmed and over the age of seventy, struck the robber and grappled for what turned out to be a toy gun. The attacker fled, but Officer Roby assisted the Deputy Sheriffs of Orange County in identifying and locating his assailant. For his action, Officer Roby was made an honorary Deputy Sheriff of Orange County.

• In July 1995, **recently Retired Police Chief John Diventer of the Hanover, New Jersey Police Department** was with his family visiting his family’s grave plot in Newark, when he observed several robbers attack two elderly women and steal their purses. He attempted to intervene, and was shot and killed. At the time of the chief’s murder, retired police officers were not authorized to carry firearms in New Jersey. This incident prompted a change in New Jersey law, which now permits retired officers to carry throughout the State.

• In 1991, **Off-duty Minneapolis Police Officer Jerry Johnson** was vacationing in Phoenix, Arizona. He witnessed a black man knock an elderly female to the ground, take her purse, and run. He immediately gave chase, without stopping to think that he was unarmed because he could not legally carry a firearm in Arizona. He caught the thief after a mile-long foot chase, and fought to subdue him. Had the criminal been armed, Officer Johnson would surely have been killed. Now retired, Officer Johnson had to go through a great deal of trouble in his own State of Minnesota to get a concealed carry weapon permit as it is up to each individual chief whether or not to issue. When he moved into a different jurisdiction, he had to get a judge to intercede because the chief of police in his new locality initially refused to issue him a permit.

• **Off-duty Louisiana Sheriff’s Deputy Godfrey J. Buquet** was checking into a hotel in Waycross, Georgia. In speaking with the clerk at the front desk, he mentioned he was a law enforcement officer. Before he had completed checking in, a young woman came running into the lobby. She had been robbed, and her attacker was entering a vehicle to flee the scene. Deputy Buquet could not legally carry in the State of Georgia and was
unarmed. He pursued the suspect’s car on foot until it left the parking area without considering that the robber might be armed. Deputy Buquet never found out—the robber escaped.

There are also numerous incidents where off-duty and retired law enforcement officers came to the assistance of other officers, defended themselves or their families and thwarted potential crimes. Regrettably, not every officer survived these incidents—even though armed.

- In December 2000, **Off-duty Deputy Sheriff Michael Baker of the Lexington County Sheriff’s Office in South Carolina** was outside of his jurisdiction at a mall in Richland County. While using the rest room, he was attacked by a would-be robber. Deputy Baker was not carrying his service-issued weapon, but did have a personal firearm. He shot the thief, who was then apprehended by police and prosecuted.

- In 2000, **Retired St. Louis Police Sergeant Christopher Day** was pulling into his driveway when confronted by three robbers who announced a hold-up. Because he was armed, Sgt. Day was able to resist. He drew his weapon and killed one of the armed assailants.

- In 2000, **Off-duty Las Vegas Police Officer Dennis Devitte**, a twenty-year veteran, was relaxing at a local sports bar when the establishment was attacked by three armed assailants. Two of the men opened fire on the crowd, hitting a man in a wheelchair. Officer Devitte did not hesitate—he pulled his tiny .25-caliber gun and, knowing he would have to get very close to make sure he hit his target, charged a man firing a .40-caliber semiautomatic. Officer Devitte got within one foot of the man, fired and killed the gunman—but not before he was shot eight times. The remaining two gunmen fled. All six civilians wounded in the assault recovered. One witness described Officer Devitte’s action as “the most courageous thing I’ve ever seen.” Officer Devitte lost six units of blood, his gun hand was badly damaged and his knee had to be entirely reconstructed with bones taken from a cadaver. And yet, he was back on the job six months later. For his incredibly heroic actions, Officer Devitte was selected as the “Police Officer of the Year” by the International Association of Chiefs of Police (IACP) and **PARADE** magazine.

- In 1996, **Retired St. Louis Police Officer Manuel Delgado** noticed a suspicious person standing outside of a restaurant in South St. Louis. Delgado observed the individual place a handgun in his waistband. He approached the suspect and took him into custody without incident. A subsequent statement made by the suspect indicated that he was intending to rob restaurant patrons.

- In 1987, **Retired New York City Police Officer Jonathan Greenburg** came to the assistance of a lone New York City Police Officer holding five suspects at gunpoint. He aided the officer by covering the suspects with his licensed firearm until back-up officers arrived.
• In 1992, Retired St. Louis Police Officer Joffre Thompson was walking his dog in a well-to-do neighborhood in South St. Louis when he interrupted a burglary in progress. Despite being armed, Officer Thompson was shot to death by the thief.

• In 1993, Retired St. Louis Police Sergeant George Anderson was taking a fall vacation with his family in Memphis, Tennessee. He was in his vehicle in the parking lot of the hotel where he and his family were staying. When he left his car, he was carrying his .38 caliber pistol. Because he was from out of State and Missouri does not have a reciprocity agreement with Tennessee that allows off-duty law enforcement officers to carry, it is likely that Sgt. Anderson possessed his weapon unlawfully. Nonetheless, he was lucky to have been armed. Before he reached the hotel, he was accosted by an armed robber with a .25 caliber handgun. When the robber patted him down for valuables, Sgt. Anderson grappled for the weapon, ultimately using his own to shoot and kill his attacker.

• Off-duty Police Officer Mark Johnson was in civilian clothing when a civil disturbance broke out in downtown Minneapolis. People were indiscriminately assaulting innocent people on the street. Seeing an individual armed with a large clothing pole about to hit a woman on the ground in the head, he drew his firearm and ordered the people assaulting the woman to back off. No shots were fired and the woman’s life was saved. Being outside his own jurisdiction, he was carrying his firearm illegally. Yet not only was he not charged with a crime, he was issued a Commendation from the Minneapolis Police Department.

These are just a few of the stories about retired and off-duty officers that the Fraternal Order of Police has collected to demonstrate the danger that law enforcement officers face, no matter what their duty status. By enacting H.R. 218/S. 253, police officers will not only be personally safer, but they will be in position to come to the aid of their fellow citizens and enhance the safety of the public.