

Honorable Judge Gwendolyn Blue
Superior Court, Criminal Division, Camden County
Camden County Hall of Justice
101 South 5th Street, 3rd Floor
Camden, NJ 08103-4001

February 27, 2019

Dear Honorable Judge Blue:

It is with a heavy heart and sadness that I am writing you this letter. My name is Raoul Watson and I am a trustee of The Fraternal Order of Police Lodge 222, the Loyal Knights of New York. I am sad because on March 15, your honor is about to sentence Dana Johnson, indictment number 186-1343-I.

My heart is heavy because this case would set a precedence in New Jersey where a fully qualified law enforcement officer can be convicted of a weapon possession. It is even sadder that the jury did not receive all the necessary information because the defense attorney was not familiar with the Federal Law which preempts the state laws.

While the powers of Federal Officers while on duty has always been clearly outlined by the laws, when they are off duty there are many grey areas concerning their residual rights as law enforcement officers. To remedy this, on the 22nd of July 2004, President George W. Bush signed H.R. 218, the "Law Enforcement Officers' Safety Act" into law. The legislation, which passed both the House and the Senate by voice vote, exempts qualified active and retired law enforcement officers from State and local prohibitions on the carriage of concealed firearms. This law was codified into 18 USC §§ 926B and 926C. The first paragraph of the law ("Notwithstanding any other provision of the law of any State or any political subdivision thereof, ...") clearly indicated that the intention of the law was to be universally adapted throughout the United States.

Shortly thereafter, in January of 2005, the U.S. Attorney General John Ashcroft, issued a guidance to agency heads under the Department of Justice regarding the implementation of LEOSA (see Attachment A). This was needed because several agencies under the umbrella of the DOJ are unique. For example, the Federal Bureau of Prisons. Very much so as their sister agency the Federal Bureau of Investigations, all staff from the Federal Bureau of Prisons (BOP) attended one unified training at the Federal Law Enforcement Training Center in Glynco, Georgie. Just as FBI special agents attended Quantico, each special agent would have a specialized skill (for example chemicals, computer forensics, psych profiling, etc.). The BOP likewise has specialties such as Psychologist, Computer Specialist, Recreation Specialist, Carpenters, Counselors, Plumbers, etc. All are trained correctional workers attending the same academy and required to pass physical battery, self-defense and firearm qualifications to include revolver, semi-auto, shotguns, submachine guns and M16 assault rifle. While at first it may seems strange that a secretary would have this skill set, when placed inside a federal prisons having to respond to all kinds of emergencies, the skill set necessity becomes apparent. Because of this, all staff of the BOP have statutory arrest authority given by the US Attorney General as outlined in 18 USC §3050 (Attachment B).

Senator Patrick J. Leahy (D- VT), the Senate sponsor of the LEOSA, remarked on the floor the day the bill was adopted by the Senate: "Convicted criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out, active or retired, on duty or off duty." Senator Leahy was right. For the men and women of law enforcement, the LEOSA has never been a firearms issue--it is and always has been an officer safety issue. Congress understood and intended that the primary purpose of the LEOSA is to ensure that officers, regardless of their duty status, can lawfully defend themselves and their families from vindictive criminals and at the same time provide a public safety service while off duty. Congress did not afford states the discretion to redefine either who are qualified law enforcement officers or who is eligible for the LEOSA right.

Imagine for a minute the shock and disbelief experienced by Dana Johnson co-workers, friends, and family when we found out that she was prosecuted by the State of New Jersey for the illegal possession of firearm. How is it possible that one who is authorized by a Federal Law to carry a firearms concealed in any jurisdiction in the United States be jailed, convicted, and about to be sentenced for firearm possession?

Your Honor, Dana Johnson has met all the qualifications to be considered a qualified law enforcement officer by the acid test of LEOSA since she is an employee of a government agency who during her duty:

- is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- has statutory powers of arrest;
- is authorized by the agency to carry a firearm;
- is not the subject of any disciplinary action by the agency;
- meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and
- is not prohibited by Federal law from possessing a firearm.

While the jury has spoken and the defense attorney silenced, the day a sentence is imposed, not only a great injustice will be done but the damage is irreparable for Dana Johnson. A prison term will result in job loss and income. Not only is this devastating to her family financially, even if the Bureau of Prison is willing to hold her job open, they will not be able to do so. Once convicted of a felony, a Federal Officer may no longer qualify to use a firearm which in the Bureau of Prison is a conditional for employment.

I am prayerful that your Honor would be able to find a solution to allow Dana Johnson to continue her life as a useful citizen who has served this country more than once.

Respectfully yours,



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