

FLORIDA SHERIFFS ALL POINTS BULLETIN



Volume 7, Number 3, 1997

Sgt. Harry S. Nyquist named FSA's 1997 Deputy Sheriff of the Year

NAPLES - Brevard County Sergeant Harry S. "Scott" Nyquist was named the 1997 Florida Sheriffs Association Deputy Sheriff of the Year.

Nyquist is a 17-year veteran of the Brevard S.O. His career highlights include serving as a patrol deputy, a narcotics investigator, and a task force agent with DEA. In addition, he serves as a member of Brevard's elite tactical team, and was assigned, for a time, as a plainclothes investigator in their sex crimes unit.

Currently, he is a full-time helicopter and airplane pilot with Brevard Sheriff's Office aviation division.

The incident involving Scott Nyquist which impressed the awards committee most, occurred on June 13, 1996. Shortly after midnight, the sheriff's office was summoned to investigate the sound of "breaking glass" in the area of the Merritt Island High School.

The initial responder was Deputy Ray Warner. Sgt. Nyquist and Lt. David McCormick arrived on scene shortly thereafter as back-ups.

Deputy Warner was the first to confront the suspect, finding him in a hallway inside the school. During the



Sgt. Harry Nyquist, his arm around wife, Noel, receives a plaque and a \$1,000 check from Florida Sheriffs Association president Geoff Monge in honor of being named Deputy Sheriff of the Year. Brevard County Sheriff Phillip Williams is at left.

course of arrest, an altercation ensued. The suspect succeeded in wresting Warner's gun away from him and shooting him in the head and chest. Deputy Warner died as a result of his wounds.

Within seconds after Deputy Warner went down, Sgt. Scott Nyquist confronted the same suspect, later determined to be a 20-year old man who was now attempting to flee the scene. Nyquist commanded the young man to surrender, but instead of giving up, the suspect began firing indiscriminately at him without warning. During that exchange, Nyquist was struck in the thigh by one of the bullets. The excruciating pain caused Nyquist to falter and collapse.

With nothing between him and freedom but the severely injured deputy, the suspect advanced on Sgt. Nyquist and

began to again fire at him, now at point blank range. Through what some later called a God-given gift, the suspect's gun was already empty.

Left without bullets, the suspect then proceeded to beat Sgt. Nyquist with the empty handgun in an effort to wrestle away a second (Nyquist's) handgun. With blood loss, pain, and a fight for his life quickly sapping his strength, Nyquist knew that if he was to survive this terrible ordeal — that he had only one alternative left. He pulled the trigger, and the suspect went limp.

In taking the life of the suspect to save himself from imminent death, no one will ever know how many other lives may have been saved by Sgt.

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Nyquist's brave actions that night.

As a sad aside, none of our readers will be surprised to learn that the suspect had been arrested 4 previous times on a total of 17 different criminal charges. In fact, the suspect was scheduled to be sentenced the following month on un-related burglary charges.

Following in the tradition of those outstanding deputy sheriffs who were previous winners of this award, Florida's 14 million residents can be proud of Sgt. Scott Nyquist, and his being named best of the best for 1997!

Sgt. Nyquist was awarded a handsome plaque and a check for \$1,000.

FSA Jail Administrator's Workshop planned for December

Listen Up! The 1998 FSA Jail Administrator's Workshop will be held in 1997!

You read it correctly, the 1998's annual jail management training conference will be held December 2-4, 1997, at the Daytona Beach Oceanfront Hilton.

"Why's that?" you may ask.

"Well, we normally hold the jail administrator's workshop in February of each year, but planning a conference in Daytona Beach in February might prove to be a logistical problem," said Tom Berlinger, FSA's director of operational services who is responsible for putting the event together.

"We knew we wanted to hold the conference in Daytona Beach, but we had to compete with both Bike Week and Race Week during the month of February, severely hampering our ability to get a decent facility at a reasonable room rate, without encountering logistical problems. And, with the statewide FSA sheriff's conference being held in January, planning

became a problem, so we decided on early December," he said.

By press time, FSA will have sent out information on the conference to all jail administrators and all sheriffs who manage their jail system. If you need further information, contact either Tom Berlinger or Carol Bishop at FSA headquarters in Tallahassee at (850) 877-2165.

Ex-sheriff named commissioner

TALLAHASSEE - Governor Lawton Chiles has appointed former Sumter County Sheriff Jamie Adams, Jr., to serve on the Florida Game & Fresh Water Fish Commission.



Jamie Adams

The appointment fills a vacancy on the five-member commission created this spring when Destin businessman Joe Bruner resigned during state Senate confirmation hearings.

Adams, 56, of Bushnell, spent 17 years working as a wildlife officer for the game commission. He was Sheriff of Sumter County from 1981 through his retirement in 1996.

Orange deputy is millionth visitor

Ronald Reagan was Tom Murnane's favorite president. So, imagine how he felt a few months ago when he went to tour the Ronald Reagan Library in Simi Valley, California and wound up being the millionth person to visit the attraction!

Murnane is a supervisor in the civil process division at the Orange County Sheriff's Office in Orlando.

"Reagan is probably one of my greatest heroes," Tom told a local news reporter in his hometown of Orlando. "He's my favorite president. To come here to learn more about him, and then to be honored just for visiting...well, I'm speechless."

Tom was presented with a number of keepsakes for his visit to the library, including t-shirts, a museum membership, a signed copy of Nancy Reagan's autobiography, and a box of Ronald Reagan's signature jelly beans. He and his wife also won two nights in the Presidential Suite at the Century Plaza Hotel, limousine service to the Shubert Theater for a performance of "Ragtime," lunch at Chasen's Restaurant (Reagan proposed to Nancy there), and a scenic drive to Santa Barbara.



LONGMONT, CO - Sheriffs Charlie Morris (Okaloosa County), Bill Farmer (Sumter County) and Phil Williams (Brevard County) were in attendance for the National Sheriffs' Institute, a two-week management course for first-term Sheriffs from across the country.

EDITOR'S CORNER

By Tom Berlinger



Elected vs. Appointed Sheriffs

Every couple of years, a few county government leaders in Florida or elsewhere pick up the debate regarding "elected vs. appointed" Sheriffs at the spot where the last debaters left off.

From the outset, our readers need to know that we here at FSA, and all of Florida's Sheriffs are unwavering in the view that the election process is the manner in which we want to see our Sheriffs chosen. Of the over 3,000 counties in the U.S., less than 10 have an appointed Sheriff. After all these years, you'd think that fact alone would be clear and convincing evidence enough to keep proponents from wasting their time. But, it's hard to slow down people who are on a mission.

Dade County is the only spot in Florida where voters are deprived of the ability to choose their Sheriff. By a county charter which was passed in the 1950's, Dade's over 20 member

county commission appoints a director of Metro-Dade Police, the agency which was founded to replace the position formerly held by an elected Sheriff and a traditional sheriff's office.

Critics of the elected Sheriff system always tout the purported need to, "remove politics from law enforcement" as the primary reason that they want the system to change. I firmly believe that anybody who tries to use that argument with a straight face is insulting our intelligence. Nonetheless, they try.

Fact is, those who seek to change the office to an appointed post are usually jealous, local politicians who seek to strip the inherent power from the most highly-respected, elected position in the county. And, here's two good reasons why I suggest that their "remove the politics" argument amounts to nothing more than a smoke-screen.

First, while going through junior college in Fort Myers, I worked for a Publix Supermarket. Without question, all store employees encountered as much "politics" in the aisles and stockrooms of store #87 as I ever found in any sheriff's office I ever worked for. And, this premise rang true at every job I ever held, including the two-year stint I did as a city police officer in New Port Richey as well.

Fact of the matter is, "politics" in one form or another, permeates virtually everything we do in life. Whether it's church, school, or the work environ-

ment, "politics" is always a factor in the equation. Just because there's not a party affiliation attached to it, doesn't mean it's not "politics."

The second reason may surprise you.

In a study commissioned by a national group a few years back, it was found that the average tenure of a sheriff in America is about 7 1/2 years, while the average tenure of a police chief is about 2 1/2 years.

That single fact alone leads me to believe that the typical police chief is running for office every day of his/her life, and running even harder every time that three or more city council members are sitting in the same room.

But, that couldn't be "politics," could it? Nahhhhhh.

Keyton named I.A.C.O.S. director

Mr. Ed Keyton has been appointed the National Sheriffs' Association's Training Director, as well as the director of the NSA's subgroup, commonly known as the International Association of Court Officers and Security, Inc. (I.A.C.O.S.)

In this new post, Keyton will be responsible for carrying out I.A.C.O.S. training programs, and he will oversee the planning and training of all NSA training on a national basis. Keyton will also serve as the program coordinator of the National Sheriffs' Institute, Executive Development Program, sponsored by the National Institute of Corrections in Longmont, Colorado.

Keyton's career spans twenty-three years, and includes work in patrol, court security and the transportation of prisoners, executive protection, criminal investigations, special services, development of policies and procedures, and as a law enforcement trainer.

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Sheriff Cochran succumbs to cancer

When Broward Sheriff Ron Cochran realized that the cancer from which he was suffering was going to take his life, he told those closest to him that he wanted to be "Sheriff" to the end. He died with his wish fulfilled.

Florida Attorney General Bob Butterworth, a longtime friend, and himself, a former Sheriff of Broward County, met with Cochran in the weeks preceding his death.

"Ron was very emotional when we met and I told him that the governor would honor his wish," Butterworth told the Ft. Lauderdale Sun-Sentinel. Using the analogy seen in western movies, Butterworth went on to say that, "More than anything, he loved being a cop, his last wish was that he be given the chance to die with his boots on."

The Sheriff was surrounded by his family when he passed away at home at 3:30 AM on the morning of September 5th.

In the days which followed Cochran's death, all the trappings of a line-of-duty police death swept through Broward's gloomy and rain-soaked political and law enforcement circles. Deputies' badges were draped with black tape, the flag flew at half-staff at the sheriff's headquarters on W. Broward Boulevard, and hardened officers held their heads in their hands, crying.

As of this writing, Governor Lawton Chiles has not made the appointment of a permanent successor to fill Cochran's post. However, a circuit court judge fulfilled another of Cochran's final requests by appointing Cochran's jail commander, Susan McCampbell, as Chief Deputy in charge of the agency, until Chiles takes action.

McCampbell, 48, was appointed Broward's director of corrections in



*Sheriff Ron Cochran
1936 - 1997*

January, 1995. Prior to joining BSO's jail staff, McCampbell, who has a masters' degree in city and regional planning from Catholic University of America, worked for the sheriff's office in Alexandria, Virginia.

"This (Cochran's) incredibly strong vision needs to go forward instead of backward," McCampbell said of Cochran, "The legacy of Ron Cochran will be here long after we're gone and retired."

In his private times, Cochran was a rather accomplished cartoonist. He would often draw scenes depicting the lighter side of the political events, things and people around him. He'd then toss in a few words of text to carry out the scenario to the required humorous extreme.

Cochran even took a parting shot at the cancer treatments which made him sick and caused him to lose his hair. He drew the cartoon you see depicted here just weeks before doctors told him he was in a terminal stage. It was published in the employee newsletter that is written by and for the employees of BSO.

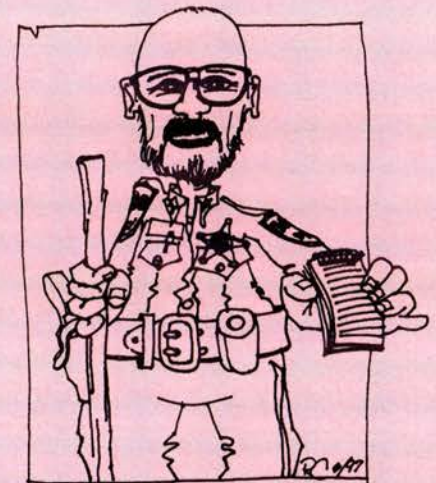
Entitled, "Cochran Sighting," he depicted himself bald-headed and in

full uniform, with text which began, "As you know, I haven't been very visible lately, but the bald-headed guy with the beard seen drifting through the public safety building from time to time wasn't the ghost of Howard Hughes...."

The low-key and unusually shy Cochran was buried with full honors. More than 1,200 people filled the Parker Playhouse in Fort Lauderdale to attend a memorial service held in his honor. At the service, Governor Lawton Chiles lauded Cochran for creating programs which would help children with their self-confidence, their self-respect, and their self-esteem. Many other public figures rose to speak about their friend, as well.

After the 21-gun salute, and speeches by numerous political figures, Joe Gerwens, the sheriff's office inspector general, and a confidante of Cochran's for the past thirty years summed up his observations about the fanfare by saying, "I know that Ron probably wouldn't have wanted all of this, but he sure deserves it."

May he rest in peace.



Sheriff Ron on Sheriff Ron...

On-line access stirs security concerns for deputies

Internet users can look up public records on any Orange County resident (and several other counties in Florida) within a few minutes.

For most, that's a handy convenience that allows one to avoid the hassle of going to the Clerk of the Court's office to retrieve the information. But, in response to personal security concerns, Sheriff Kevin Beary and Police Chief William Kennedy of Orlando have asked the clerk to remove personal information about deputies that is available through on-line public records.

At issue are two conflicting laws, according to county Comptroller Martha Haynie. The first law requires that official land records — such as deeds, leases, mortgages, bills of sale, claims of lien and tax warrants — must always be open to the public.

The second law, however, allows for the addresses, telephone numbers, photographs, and social security numbers of public servants to be kept confidential, if so requested. Among those who qualify for the exemption are law enforcement officers, judges, prosecutors, child abuse investigators, revenue collectors and firefighters.

In hopes of solving the dilemma, Haynie asked Attorney General Bob Butterworth to render an opinion on how the issue should be handled, and on September 25, 1997, Butterworth issued an informational copy of Attorney General Opinion #97-67.

The four-page opinion is summed up in one paragraph which appears at the tail end of the opinion, which reads:

"Nothing in the Public Records Law or the statutes governing the duties of the clerk authorizes the clerk to alter or destroy Official Records. However, the statute does not impose a duty on the



TALLAHASSEE – Behind the Old Capitol Building, the Florida Chapter of MADD presented plaques to all law enforcement officers who made 100 or more DUI arrests this past year. Sarasota County Sheriff Geoff Monge (then FSA President) stands with the deputy sheriffs who were honored that day.

clerk to prevent the release of confidential material that may be contained in the Official Records. This would also be applicable when the clerk is releasing copies of the Official Records by any means, such as via the Internet. Moreover, there is nothing that precludes the clerk from altering reproductions of the Official Records to protect confidential information. The manner in which this is to be accomplished rests within the sound discretion of the Clerk and this office can-

not prescribe a single method that would be acceptable." (AGO 97-67)

"Like all of my fellow sheriffs, I have a finite number of deputies who work with dangerous felons every day," said Sheriff Beary, "This problem must be addressed immediately to keep our deputies and their families from being harmed by these folks, and harmed by a system which identifies them to the world."

Florida inmates staying longer

In a recent story which appeared in the *St. Petersburg Times*, T. Christian Miller writes that the average violent offender now serves more than twice the stretch in prison than was the norm in the late 1980's, thanks to new laws and prison beds. (Miller, an otherwise great guy and writer, unfortunately failed to note that it was the sheriffs who single-handedly, put on a full-court press with the Governor and the legislature for the last decade on this topic, even when it was highly unpopular with both of them. Their pressure resulted in thousands of new prison beds and the STOP initiative [the 85% bill], but that's okay... WE know

who's really responsible).

A prison building boom and a state law that forces violent criminals to serve 85% of their sentences have brought an end to the early release programs of the 1980's. The problem peaked in 1988-89, when the average sentence served by violent offenders was 2.7 years. Currently, according to the article, the average is now 6.7 years.

In fact, felons in the late 1980's were being released after serving about 33% of their original sentence. Now, they're spending about 72.1% of their sentence behind bars.

Folks, we're getting there.

Wyoming Sheriff prohibits feds from entering his county

Topping off the list of unusual news to capture our attention recently comes this tidbit which was taken off the wire-service.

Using a recent U.S. District Court decision (96-CV099-J, District Court of Wyoming) ruling that Wyoming is a sovereign state and that a sheriff is the highest law enforcement official in a county, Sheriff Dave Mattis of Big Horn County has forbidden any federal officials (including FBI, EPA and IRS agents) to enter Big Horn County without his prior approval.

In the story, Sheriff Mattis was quoted as saying, "If a sheriff doesn't

want the feds in his county, he has the constitutional power and right to keep them out or ask them to leave."

Mattis stated that he was reacting to increasing federal abuses, such as agents seizing property, confiscating bank accounts, controlling private property, and other actions for which, "they have no Constitutional authority."

Since his decision, "not even the IRS has attempted to seize the property or bank account of any citizen of Big Horn County," Sheriff Mattis observed, "I hope that a lot more Sheriffs across America will join me in protecting their citizens the way I am trying to do."

Cops and pawnbrokers team up

MIAMI – In an unprecedented move towards curbing property theft

crime statewide, law enforcement officials met recently with state Rep. Elaine Bloom to discuss the feasibility of a statewide computer tracking system for all pawn loans and second-hand sales transactions.

Panel participants included law enforcement officers who represented FDLE, some major police departments, the Florida Sheriffs Association Task Force, and the executive VP of the Florida Pawnbrokers Association.

There was also a focus on establishing more stringent regulations for second-hand dealers, most of which are not required to report transactions under current Florida law.

Other important issues were discussed, including the potential cost for such a system, the logistics, and computer compatibility.

FSA Scholarship Recipients



PAHOKEE – Ms. Tamara La'Bre Starks, daughter of Sgt. Ruby Lee Starks of the Palm Beach County Sheriff's Office Corrections Division was awarded a \$1,000 Florida Sheriffs Association Scholarship for 1997-98. Ms. Starks achieved a 3.5 grade point average while attending Pahokee High School, and she was ranked second academically, out of 120 students. She just entered the fall semester at the University of Florida in Gainesville. Tamara has her sights set on becoming a state prosecutor. Aside from her academic achievements, she was an extremely popular student at her high school. In fact, she was named "Miss Pahokee High School" in 1996-97.



CROSS CITY – Mr. Kevin Scott O'Neal, the son of school resource officer Keith O'Neal of the Dixie County Sheriff's Office is the second of three Florida Sheriffs Association \$1,000 scholarship winners. Kevin, whose overall GPA at Dixie County High School was 3.4, enters Lake City Community College this semester as a freshman. Aside from his academic achievements, Kevin was named "Athlete of the Year" of their baseball team, and he is involved in many after-school activities like F.F.A. and church-related groups. Kevin is looking towards a career in law enforcement after completion of his academic studies.



ORANGE PARK – Ms. Lesley Jeanell Rives is another winner of a \$1,000 scholarship from the Florida Sheriffs Association. She is the daughter of Barbara J. Rives, a communications assistant who works with the Clay County Sheriff's Office. Lesley earned an overall GPA of 3.54 after completion of four semesters at St. Johns River Community College in Palatka. She is majoring in criminal justice, and plans to minor in science, with a goal of eventually working in a crime laboratory. Lesley has volunteered her time working "undercover" with Clay County Sheriff's Office during periodic crackdowns on the illegal sales of alcoholic beverages to minors.

IN BRIEF

Citrus County - Former Citrus County Sheriff's Office investigator Marvin Padgett, 46, was killed along with 11 others when the U.N. helicopter they were riding in slammed into a fog-obscured hill in Bosnia on September 17. Padgett was a member of the U.N. Civilian Police Force in Eastern Europe under the U.S. State Department. After a 10-year stint with Citrus S.O., Padgett arrived in Bosnia in March, 1996. He formerly worked for the Sumter, Hillsborough and Palm Beach Sheriff's Offices before joining Citrus S.O.

Alachua County - County commissioners recently voted to give management responsibility of their local jail system back to the Sheriff, after managing it themselves for over a decade. Under their watch, commissioners have been through about a dozen directors and interim directors in as many years, according to news reports. Commissioners are giving it to Sheriff Steve Oelrich on a "trial basis" for the next couple of years, at which time they'll re-evaluate their position and consider giving it back to the sheriff's office on a more permanent basis. Of 67 county jail systems in Florida, Sheriffs oversee 57 of them. County commissioners oversee seven, and private companies manage three of them.

Palm Beach County - Soon to be gone are the shotguns that have been carried as "backups" by most uniformed deputies here for many years. In are Ruger Mini 14's and Colt AR-15's. While many police agen-

cies have already traded in their revolvers for semi-automatic handguns which are more powerful, carry more ammunition, and are easier and faster to reload, few have abandoned shotguns in favor of assault-type rifles. Initially, Sheriff Bob Neumann plans to purchase 25 Ruger Mini 14's for deputies, and more when his budget will allow it. Until the agency can afford to outfit all uniformed deputies with the \$425 Rugers, Neumann will allow deputies to buy and carry their own, or to purchase an AR-15, with a price tag of about \$600. "We're not suggesting that an inordinate number of criminals in our county are carrying this type of weaponry," noted Rick

Lincoln, the Sheriff's director of law enforcement services. "But, if we react after the fact, we're not making the best decision." In a similar move, the Maine State Police recently replaced their issued shotguns with a carbine rifle which holds ten rounds of 9mm ammunition. The rifle uses the same ammunition as the handgun used by their troopers, effecting a cost savings due to greater bulk pricing.

FSA Tallahassee - Attention all computer geeks! The Florida Sheriffs Association now has a home page on the internet. Give it a look, and bookmark it at: www.flsheriffs.org

1996 Top 10 Florida Counties for Motor Vehicle Theft

Rank 1996	Rank 1995	County	1996	1995	% CHANGE
1*	1	Dade	32,837	39,807	-17.51
2*	2	Broward	14,363	13,577	+ 5.79
3	3	Hillsborough	10,031	10,519	- 4.64
4*	4	Palm Beach	7,661	8,447	- 9. 31
5*	6	Orange	6,464	5,594	+15.55
6*	5	Duval	4,890	5,837	-16.22
7*	7	Polk	3,423	3,280	+ 4.36
8*	8	Pinellas	3,352	2,936	+14.17
9	9	Lee	2,459	2,174	+13.11
10*	10	Volusia	1,608	1,547	+ 3.94
All Other Counties			16,681	15,892	+ 4.73
Statewide Total			103,769	109,610	- 5.33

Source: Florida Department of Law Enforcement

NOTE: "*" denotes counties with law enforcement agencies that did not report motor vehicle thefts in 1996.

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