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Representing America's Finest

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NAPO on the Hill: Meetings on the Comprehensive Justice and Mental Health Act

On September 20th, NAPO, together with other organizations committed to mental health issues within the justice system, met with Senator Al Franken (D-MN) to discuss our efforts to pass his Comprehensive Justice and Mental Health Act (CJMHA), S. 993, through the House. NAPO has been working with this coalition of organizations since the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) was signed into law back in 2004. Senator Franken thanked NAPO and the coalition for all of our efforts to pass his legislation and stated that he stands ready to do whatever is necessary to pass it into law by the end of the year.

S. 993 passed the Senate on December 12, 2015, but the House has not moved on the bill. We are working on a two-pronged approach to pass the bill: (1) pass it as part of a bipartisan comprehensive mental health package that Senators John Cornyn (R-TX) and Lamar Alexander (R-TN) are trying to move through the Senate before the end of session; and (2) pass it as a standalone bill through the House.

The comprehensive mental health bill being moved by Senators Cornyn and Alexander includes the CJMHA and Senator Cornyn's Mental Health and Safe Communities Act, S. 2002, both of which are legislative priorities for NAPO. Senators Cornyn and Alexander are still negotiating the final pieces of the package and hope to have it up for a vote this week. If it does not move this week, we will work to move it through Congress during the post-election lame duck session.

The House Judiciary Committee approved the House version of the CJMHA, H.R. 1854, sponsored by Congressman Doug Collins (R-GA), on January 12, 2016. Judiciary Committee Chairman Robert Goodlatte (R-VA) has made the bill part of his criminal justice reform package, which includes sentencing and correction reform. Chairman Goodlatte is currently unwilling to unlink the CJMHA from the criminal justice reform package unless it becomes evident that Congress will not pass the reform package this year.

After our meeting with Senator Franken, NAPO and several other coalition members met with Chairman Goodlatte's staff to discuss the possibility of moving the CJMHA as a standalone bill. The staff confirmed that the Chairman was committed to having it pass as part of his criminal justice reform package, but he would be willing to move it on its own if the House does not take up the package until the lame duck session.

The CJMHA passed the Senate by voice vote and was unanimously passed by the House Judiciary Committee, making it a bill that should easily pass the House. NAPO worked hard to pass the CJMHA in the Senate and we are dedicated to seeing it pass Congress this year.

With decreasing mental health supports and services, an increasing number of people with mental illnesses are coming into contact with the criminal justice system, which puts incredible strain on the system as well as public safety, state and local budgets, and people's lives. Throughout the criminal justice system, people with mental illnesses are overrepresented—in contact with law enforcement, in the courts, in jails and prisons, and in parole and probation caseloads across the country. According to a U.S. Department of Justice report, approximately 45 percent of people in federal prisons, 56 percent of people in state prisons, and 64 percent of people in jails displayed symptoms of a mental health condition.

The CJMHA would improve outcomes for the criminal justice system, the mental health system, and for those with mental health conditions by doing the following, among other things:

- Extending the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and continuing support for mental health courts and specialized law enforcement crisis intervention teams;
- Authorizing investments in veterans treatment courts, which serve arrested veterans who suffer from PTSD, substance addiction, and other mental health conditions;
- Supporting state and local efforts to identify people with mental health conditions at each point in the criminal justice system in order to appropriately direct them to mental health services;
- Increasing focus on corrections-based programs, such as transitional services that reduce recidivism rates and screening practices that identify inmates with mental health conditions;
- Supporting the development of curricula for police academies and orientations; and
- Developing programs to train federal law enforcement officers in how to respond appropriately to incidents involving a person with a mental health condition.

NAPO is exerting every effort to pass this important legislation and we will keep our members updated on its status. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO in the News

On September 21st, NAPO Executive Director Bill Johnson was quoted in a *New York Times* article entitled, “Why First Aid Is Often Lacking in the Moments After a Police Shooting”. The article was focused on the perception of police officers not providing first aid after the use of force on an individual and the possible reasons why they do not do so immediately after the action. Johnson was asked about the first aid training that the typical officer receives:

“‘It’s typically geared toward, you come across an auto accident, or someone is having a heart attack or choking,’ said William Johnson, executive director of the National Association of Police Organizations, a coalition of police officer unions. ‘If there’s a gunshot wound, the typical training [aside from basic direct pressure, or sometimes, a tourniquet if available] is for the officer to call for medical help.’”

The full article is available at: <http://www.nytimes.com/2016/09/22/us/why-first-aid-is-often-lacking-in-the-moments-after-a-police-shooting.html?ref=todayspaper&r=0>

NAPO Participates in PSOB Stakeholder Meeting to Review New Regulations

On September 21st, NAPO participated in a Public Safety Officers' Benefits (PSOB) Program stakeholder meeting to review and provide initial comments on the second set of proposed regulations to come out of the

program this year. The first set of rules, for which NAPO submitted [comments](#) on September 8th, related to how the PSOB Office would process 9/11-related exposure death and disability claims.

The second rule will make many changes to the program, including a significant change that will return the reasonable doubt standard to the program, moving it closer to being a presumptive benefit. Amongst other things, it will change from “clear and convincing” to “more likely than not” the standard of proof required to establish (1) an officer was injured because of his or her status as a public safety officer, (2) total and permanent disability, and (3) parent-child relationship for purposes of the education benefit. It will expand the definitions of “line of duty activity or action” and “official capacity” to include a public safety officer’s actions to save human life in certain limited circumstances but without regard to jurisdiction as well as officers killed in retaliation or simply due to their standing as police officers. It will expand the definition of “involvement” so that individuals going through official police or training academies (authorized by a department or agency) will be covered under the PSOB program. Further, it will revise the definition of “totally disabled” and related provisions to address circumstances when a claimant performs work that is compensated but not substantial.

At the meeting, PSOB Program leadership and the director of the Bureau of Justice Assistance, took the time to walk through every proposed change in the regulations, addressed many of our comments, questions and concerns and gave guidance on what they need to see in stakeholders’ submitted comments to ensure they address our concerns. It showed a dedication to understanding the public safety community’s needs and the desire to get it right, which is a change to what we have previously experienced with the PSOB Program.

NAPO is still considering the rule and will be submitting comments on the proposed program changes. After years of frustration with the PSOB Program, we are glad to see that the program’s leadership have been listening to us and have addressed several of our long-held concerns in this second proposed rule. We consider many of these changes a big victory for NAPO and rank-and-file officers across the nation.

The PSOB leadership would like to finalize this rulemaking before the end of the Obama Administration to ensure that the changes being made are implemented. If they are not finalized by the end of the Administration, the PSOB Office will have to resubmit the proposed rules under the new Administration.

If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Endorsed Bill to Strength Ability of U.S. to Extradite Cop-Killers Moves in House

On September 22nd, the Walter Patterson and Werner Foerster Justice and Extradition Act, H.R. 2189, was approved by a House Foreign Affairs subcommittee, moving the bill one step closer to full action in the House. NAPO endorsed H.R. 2189, sponsored by Congressman Chris Smith (R-NJ), because we strongly feel that the United States Government’s inability to extradite violent criminals who flee to other countries is a growing issue. By implementing the Walter Patterson and Werner Foerster Justice and Extradition Act, Congress will take an important step toward improving U.S. international extradition policy, and create a consolidated collection of information that will enable state and federal agencies, as well as courts, to strengthen U.S. international extradition efforts.

The U.S. Government should do everything in its power to ensure the extradition of violent criminals and cop-killers, such as Joanne Chesimard, who murdered New Jersey State Trooper Werner Foerster in cold blood, in order that they can be brought to justice. The numerous wanted criminals living abroad are an affront to the men and women who have dedicated their lives to protecting our community as law enforcement officers—above all to the family and friends of police officers who have made the ultimate sacrifice.

NAPO is working with Congressman Smith to move this bill through Congress before the end of the year. NAPO's support for H.R. 2189 compliments with our efforts to move the Administration to prioritize the extradition of cop-killers like Chesimard as part of the reestablishment of diplomatic relations with Cuba. The Administration continues to state that this is a top priority for them in their talks with the Cuban government.

DEA Issues Carfentanil Warning to Law Enforcement

On September 22nd, the Drug Enforcement Agency (DEA) issued a public warning to the public and law enforcement nationwide about the health and safety risks of carfentanil. Carfentanil is a synthetic opioid that is 10,000 times more potent than morphine and 100 times more potent than fentanyl, which itself is 50 times more potent than heroin. Federal, state and local law enforcement and first responders have recently seen the presence of carfentanil, which has been linked to a significant number of overdose deaths in various parts of the country. Improper handling of carfentanil, as well as fentanyl and other fentanyl-related compounds, has deadly consequences.

Carfentanil is a Schedule II substance under the Controlled Substances Act and is used as a tranquilizing agent for elephants and other large mammals. The lethal dose range for carfentanil in humans is unknown. However, as noted, carfentanil is approximately 100 times more potent than fentanyl, which can be lethal at the 2-milligram range, depending on how the drug is consumed and other factors.

The DEA's warning states that carfentanil and other fentanyl-related compounds are a serious danger to public safety and first responder personnel. These substances can come in several forms, including powder, blotter paper, tablets, and spray – they can be absorbed through the skin or accidental inhalation of airborne powder. If encountered, the DEA recommends that responding personnel should do the following based on the specific situation:

Exercise extreme caution. Only properly trained and outfitted law enforcement professionals should handle any substance suspected to contain fentanyl or a fentanyl-related compound. If encountered, contact the appropriate officials within your agency.

Be aware of any sign of exposure. Symptoms include: respiratory depression or arrest, drowsiness, disorientation, sedation, pinpoint pupils, and clammy skin. The onset of these symptoms usually occurs within minutes of exposure.

Seek IMMEDIATE medical attention. Carfentanil and other fentanyl-related substances can work very quickly, so in cases of suspected exposure, it is important to call EMS immediately. If inhaled, move the victim to fresh air. If ingested and the victim is conscious, wash out the victim's eyes and mouth with cool water.

Be ready to administer naloxone in the event of exposure. Immediately administering naloxone can reverse an overdose of carfentanil, fentanyl, or other opioids, although multiple doses of naloxone may be required. Continue to administer a dose of naloxone every 2-3 minutes until the individual is breathing on his/her own for at least 15 minutes or until EMS arrives.

Remember that carfentanil can resemble powdered cocaine or heroin. If you suspect the presence of carfentanil or any synthetic opioid, do not take samples or otherwise disturb the substance, as this could lead to accidental exposure. Rather, secure the substance and follow approved transportation procedures.

Carfentanil is a fentanyl-related substance not approved for use in humans. In June, DEA released a Roll Call video to all law enforcement nationwide about the dangers of improperly handling fentanyl and its deadly

consequences. Two Atlantic County, New Jersey detectives who were recently exposed to a very small amount of fentanyl appear in the video. The video can be accessed at: <http://go.usa.gov/chBgh>.

Fentanyl, a synthetic opiate painkiller, is being mixed with heroin to increase its potency, but dealers and buyers may not know exactly what they are selling or ingesting. Many users underestimate the potency of fentanyl. The dosage of fentanyl is a microgram, one millionth of a gram – similar to just a few granules of table salt. Fentanyl can be lethal and is deadly at very low doses. Fentanyl and its related compounds come in several forms including powder, blotter paper, tablets, and spray.

More information about fentanyl, carfentanil and other dangerous synthetic opiates can be found at www.dea.gov.



Your Nominations Make the Difference for TOP COPS®

This year marks the 24th year NAPO has produced the TOP COPS Awards®. The awards dinner will take place on Friday, May 12, 2017, again coinciding with Police Week. The TOP COPS Awards Dinner will be at the Omni Shoreham Hotel located in Washington, D.C. Over the next few months we will be asking for your assistance in three major areas in which you, our members, can help to ensure the success of TOP COPS®: nominations, sponsorships, and show attendance. Today, we want to ask for your assistance with the first and most fundamental component, nominations.

TOP COPS® is unique in that it is a peer nominated award. However, one of the greatest struggles we have faced in the past is getting the nomination form out to officers nationwide. We are asking you to assist us in making this happen. **It is our goal this year to see all 50 states represented with a nominee.** While we appreciate and welcome nominations from the executive level, we would really like to see the nomination form circulated among *your* members.

The nomination form is attached and can be downloaded from the NAPO website, <http://www.napo.org/files/5814/5583/4244/NominationForm2017.pdf>. Please feel free to duplicate and post it anywhere you feel it is appropriate. We would especially like to see forms posted in association offices and departments with the hope that your members will feel inclined to nominate the great cases/officers they have come into contact with over the past year. We would also like to ask you to consider including the nomination form in your association publication, on your website, or as a hand out at your next meeting.

If you have other thoughts or ideas as to how to get the word out about this most worthwhile event, please contact Elizabeth Loranger at eloranger@napo.org. With your help and partnership, we know that TOP COPS® will be a tremendous success!