



# The Washington Report

The Newsletter of the National Association of Police Organizations  
*Representing America's Finest*

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February 12, 2018

## President Releases Fiscal 2019 Budget Proposal

President Trump released his fiscal year 2019 budget request on February 12. The budget proposal includes funding requests for NAPPO's priority grant programs within the Departments of Justice and Homeland Security (DOJ, DHS).

In general, the budget proposal for DOJ focuses on reducing violent crime, fighting against the opioid crisis and enforcing immigration law and proposes adequate sustained funding for several of NAPPO's priority grant programs, including the Bulletproof Vest Partnership (BVP) Grant Program, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and the Adam Walsh Act.

The President's budget requests \$332.5 million for the Byrne Justice Assistance Grant (Byrne JAG) Program. It proposes to move the Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR) Program, the BVP Grant Program, MIOTCRA, and the Bureau of Justice Assistance (BJA) body worn camera grant under Byrne-JAG as carve-outs, leaving the grant program at just \$272.5 million. These grant programs are currently stand-alone grants, funded as individual line items and not part of a larger grant. While the budget requests funding these programs at similar levels to what they received in fiscal 2017, the fact that they would be moved under Byrne-JAG is a significant funding cut to that grant program, which received \$476 million in fiscal 2017. *(Congress has not yet passed a Fiscal 2018 appropriations measure, instead continuing to fund the government at fiscal 2017 levels through March 22.)*

For the Community Oriented Policing Services (COPS) Hiring Program, the President's budget proposes \$99 million, which is well below the \$207 million that the President requested for fiscal 2018 and the \$187 million the Program was appropriated in Fiscal 2017. The proposal includes \$35 million in carve-outs for the Tribal Resources Grant Program, community policing development, the Collaborative Reform Model, and the Regional Information Sharing System. This leaves just \$64 million to help state and local agencies hire and rehire law enforcement officers through the COPS Hiring Program.

The budget makes no mention important COPS Office programs including the National Blue Alert Network, the peer mentoring pilot grant program that passed as part of the Law Enforcement Mental Health and Wellness Act, or the active-shooter training program.

Further, the President's budget proposes to merge the COPS Program into the Office of Justice Programs (OJP), which oversees BJA, Byrne-JAG, the BVP Grant Program, MIOTCRA, and the PSOB Office, amongst other vital law enforcement assistance programs. The purpose is to consolidate all of DOJ's state and local law enforcement assistance programs and bureaus under one office.

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NAPO's Executive Director Bill Johnson is meeting with Principal Deputy Assistant Attorney General Alan Hanson, head of OJP, and BJA Director Jon Adler on February 13 to discuss the President's budget proposal, the merger of COPS into OJP and how we feel our priority programs fared under the proposal. Johnson will voice our concerns with the funding level for the COPS Hiring Program and ensure that OJP plans on maintaining vital COPS programs such as the National Blue Alert Network. NAPO will also be attending a law enforcement stakeholder meeting regarding the proposed budget with Association Deputy Attorney General Steve Cook, Principal Deputy Assistant Attorney General Hanson and BJA Director Jon Adler on February 15.

The budget requested funding levels for NAPO's priority grant programs:

- COPS Hiring Program: \$99 million
- BVP: \$22.5 million
- MIOTCRA: \$10 million
- Project Safe Neighborhoods: \$70 million
- Adam Walsh Act: \$20 million
- Body worn camera grant program: \$22.5 million
- VALOR: \$15 million
- Debbie Smith Act and DNA backlog: \$105 million
- National Instant Criminal Background Check System (NICS) state upgrades: \$61 million

For the important Department of Homeland Security grants, the budget proposal requests \$349.4 million for the State Homeland Security Grant Program (SHSGP) and \$448.8 for the Urban Area Security Initiative (UASI).

The President's 2019 Budget represents the President's fiscal priorities and we are glad to see it includes supporting state and local law enforcement anti-crime initiatives, but it is Congress that decides the final appropriations for fiscal 2018. NAPO will work closely with members of Congress to ensure that the COPS Hiring Program is funded well above the \$99 million proposed by the President and that there is strong funding for all of NAPO's priority state and local law enforcement programs.

If you have any questions about the President's Fiscal 2019 Budget, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Victory! Honoring Hometown Heroes Act Signed into Law**

In victory for NAPO, President Trump signed the Honoring Hometown Heroes Act (H.R. 1892) into law on February 9. The Honoring Hometown Heroes Act will permit the Governor of a state or territory to lower the American flag to half-staff in the tragic event that a law enforcement officer, firefighter or public safety officer from that jurisdiction dies in the line of duty. Currently, a Governor can only make this tribute for the death of a present or former government official or a member of the Armed Forces who dies in combat. This bill will ensure that first responders who make the ultimate sacrifice while protecting their communities will also have the simple, but meaningful honor of having the flag flown at half-staff.

House leadership used our bill, H.R. 1892, as the vehicle for the latest continuing resolution to fund the federal government through March 22. In addition to the Honoring Hometown Heroes Act language and the six-week extension of funding for federal agencies and programs, the legislation includes an increase in the debt ceiling through January 2019 and a two-year budget agreement that allows Congressional appropriators to finalize Fiscal 2019 appropriations. It is expected that the next spending measure passed by Congress will fund the government through the end of the 2018 Fiscal year (September 30).

NAPO is glad to see the Honoring Hometown Heroes Act finally cross the finish line. We thank Congressman John Larson (D-CT) and Senator Jon Tester (D-MT) for their leadership and continued support for law enforcement.

## **NAPO Urges Members of Congress to Support Drug Task Forces**

The President's Fiscal 2019 Budget proposes to transfer the High Intensity Drug Trafficking Areas (HIDTA) program and the Drug-Free Communities Support (DFC) program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice and the Substance Abuse and Mental Health Services Administration (SAMHSA), respectively. NAPO opposes this move, and at the urging of NAPO's President Mick McHale and the Florida Police Benevolent Association, we sent a letter to members of Congress asking them to support ONDCP and HIDTA and oppose any attempt to move HIDTA.

The nation is in the midst of a significant drug crisis, which threatens the future of our youth and our country as a whole. According to the National Institute on Drug Abuse, more than 64,000 Americans died from drug overdoses in 2016 and opioids were involved in over 42,000 of those deaths. We can only truly mitigate the effects these toxic drugs and others such as methamphetamine, synthetics, hallucinogens, and cocaine have on our communities through a national strategy.

ONDCP is a key component in bringing federal, state, local, and tribal governments together and fostering law enforcement, treatment and prevention partnerships. The HIDTA Program under ONDCP plays an essential role in the nation's drug control strategy. The success of HIDTA is touted by key law enforcement, treatment and prevention stakeholders across the nation due to its ability to seamlessly operate on local, regional, and national levels coordinating resources to address our nation's drug epidemic.

NAPO highlighted one example to Members of Congress of the undeniable positive impact ONDCP and HIDTA has had in our communities. The South Florida HIDTA funds and coordinates 32 task forces, which disrupted and dismantled more than 30 drug trafficking and money laundering organizations in 2017, resulting in the arrests of 1,600 drug traffickers and violent offenders. Through its enforcement operations, South Florida HIDTA seized 460 firearms, 27,000 kilograms of cocaine, 100 kilograms of heroin, and 40 kilograms of methamphetamine. The total value of the drugs and assets seized amounted to \$1.225 billion. The return investment for the South Florida HIDTA was \$90 for each \$1 funded to the program.

Law Enforcement in South Florida is provided the added benefits of HIDTA training and intelligence components as well as participation in the Domestic Highway Enforcement Program, the National Emerging Threats, and the National Marijuana Initiative. Further, the South Florida HIDTA provides those law enforcement agencies nationwide connectivity with other HIDTAs, increasing the exchange of information and enhancing joint investigations. Further, ONDCP's DFC Program has supported South Florida communities in addressing the drug crisis through treatment and prevention.

The HIDTA Program is best administered by ONDCP given its unbiased and neutral position. HIDTA is truly an agency-neutral program that serves only to facilitate and coordinate the efforts of federal, state, and local law enforcement. Moving HIDTA out of ONDCP would drive a wedge between state and local law enforcement and federal law enforcement, hindering the efficacy of our National Drug Control Strategy which relies on these programs being part of ONDCP.

NAPO will work with Congressional appropriators to ensure that ONDCP, HIDTA and DFC are protected and adequately supported in Fiscal 2019.

# NAPO Participates in PSOB Stakeholder Meeting

On February 6, NAPO participated in the Public Safety Officer's Benefits (PSOB) Program stakeholder meeting, that was chaired by the new Director of the Bureau of Justice Assistance (BJA), Jon Adler. Before becoming director, Mr. Adler was on the other side of the table advocating for program improvements on behalf of the Federal Law Enforcement Officers Association (FLEOA). He led a frank discussion of where the PSOB Program is now and his goals for it, naming it his top priority as BJA Director.

Director Adler stated that there are 36 death cases and 22 disability cases at the director appeal level, left over from the previous Administration, and his first priority is to clear those cases and give a final determination to families who have been waiting for far too long to know whether or not they will get PSOB benefits. Further, since the passage of NAPO's priority legislation, the PSOB Improvement Act, in June 2017, the PSOB Office has made incredible strides in quickly turning around cases, with 655 claims given final determination between June 2017 and November 2017. Director Adler plans to ensure that this pace continues until the backlog of cases has been eliminated.

NAPO fought hard for the passage of the PSOB Improvement Act and we are gratified with how it is changing the program for the better. For example, the law returns the benefit back into a presumptive benefit and the PSOB Office can only deny a claim if there is clear and convincing evidence that the officer's death or disability was not in the line of duty or was due to gross negligence. With this presumption in place, minor violations of law (such as speeding) that have previously held up claims will no longer be taken into consideration because it does not meet the clear and convincing evidentiary standard that it played a significant role in the officer's death or disability. This is a huge victory for NAPO, as we have long fought the PSOB Office on such claims where speeding or a minor traffic violation has stopped a claim from being rightfully approved.

Director Adler and PSOB leadership made clear to stakeholders at the meeting that the new law has sped up the claims approval process by removing many of the legal reviews that were part of the process, particularly in cases where autopsy and toxicology reports are required. For most cases, the PSOB Office is no longer asking for those reports unless it is necessary to determine if it was a line of duty death or due to gross negligence. Even in those cases, the reports must be cut and dry as to their findings in order to give the PSOB Office clear and convincing evidence to deny the claim, which PSOB leadership indicated is very rare due to the new standards.

As of November 29, 2017, 821 claims are still pending, with roughly half of those claims pending for more than one year. 148 of the remaining claims are for exposure due to rescue, recovery and clean-up efforts following the September 11, 2001, terrorist attacks. The details of these claims are included in the [six-month report](#) just released by the PSOB Office, including how long they have been with the office, at what part of the process they are at, any basis for delay and the reasons if a claim was denied. This is the first of the six month reports required under the PSOB Improvement Act.

Lastly, the new PSOB online claims system is up and running. PSOB will now only accept claims that are submitted through its online portal. Claimants will file their entire claim online and their claims will be assigned to one claims management officer who will manage their claim throughout the entire process. Claimants will also be able to list persons or organizations helping them with their claim and authorize them to receive information regarding the claim.

If a claimant is unable to file the claim online, the PSOB Office will connect them with the Concerns of Police Survivors (COPS) or the National Fallen Firefighters Foundation to assist them file the claim online. Other organizations, such as police benevolent associations, are also able to file claims on the behalf of families. Claims submitted prior to the online system going live that are pending determinations will continue as they are and will not need to be refiled in the new system.

NAPO looks forward to working with Director Adler to ensure officers and their families who have suffered a death or disability receive the benefits they deserve. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO on the Hill: Sentencing Reform and Corrections Act**

With the Senate Judiciary Committee poised to markup the Sentencing Reform and Corrections Act on February 15, NAPO met with the Attorney General's chief counsel and staff of Republican members of the Committee regarding our opposition to this legislation. We are not alone in our opposition – almost every major law enforcement organization is opposed to the bill. Not only were law enforcement representatives not consulted on the bill language before it was introduced, our concerns have continued to go ignored. NAPO is working collectively with the other law enforcement organizations to fight this legislation, including sending a [joint letter](#) to Committee Chairman Charles Grassley (R-IA) and Ranking Member Dianne Feinstein (D-CA) laying out our serious concerns with the bill.

This legislation tries to do too much at once, and consequently, would negatively impact public safety. States and localities would become the dumping ground for federal criminals due to the sentencing and correctional reforms and the bill does not contain the safeguards, support and resources that would be necessary for communities to handle the influx of parolees. As we have seen in California, while the state prison reforms have led to lower state prison populations and some savings for the state, it has resulted in increased stresses on local and county budgets and resources as those prisoners who were once wards of the state fill county jails and flood community services.

Further, NAPO continues to believe that mandatory minimums are a strong deterrent for criminals and an important tool in helping law enforcement keep our communities safe from violent crime. We have supported smart sentencing reduction in the past, including the Fair Sentencing Act of 2009, which reduced the sentencing ratio for crack and powder cocaine offenses. The important difference is that while the Smarter Sentencing Act reduced mandatory minimums, it also targeted and punished those who bring the most destruction to our neighborhoods: dealers or sellers who use violence or weapons, or cause injury to or threaten others, regardless of the form of cocaine. The Sentencing Reform and Corrections Act does not provide for such safeguards.

Attorney General Jeff Sessions and the Department of Justice join us in our opposition to this bill as do many Republican members of the Committee. However, the entire Democratic membership of the Committee, Chairman Grassley and a couple of Republican members support the Sentencing Reform and Corrections Act, giving it enough votes to pass Committee. We will continue to voice our opposition to the bill until our concerns are heard and consideration of this legislation as it is currently written stops.

We will keep our members updated on the status of the Sentencing Reform and Corrections Act. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

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