



# The Washington Report

**The Newsletter of the National Association of Police Organizations**

*Representing America's Finest*

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**October 25, 2016**

## **NAPO Submits Comments on Proposed Changes to PSOB Program**

NAPO submitted comments on October 18<sup>th</sup> on a second round of proposed changes to the Public Safety Officers' Benefits (PSOB) Program. The first set of proposed rules, for which NAPO submitted [comments](#), 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.

NAPO has been, and continues to be, an active stakeholder with the PSOB Program, working with the program's leadership and the Bureau of Justice Assistance (BJA) to protect the ability of survivors, disabled officers and their families to get the benefits they so rightly deserve. The PSOB Program was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American Society places on the contributions of those who serve their communities in potentially dangerous circumstances. However, NAPO strongly believes that changes must be made because the current state of the PSOB Program does little to instill confidence in officers that the federal government will do its part to take care of their loved ones should something happen.

NAPO is heartened by many of the changes to the PSOB program included in the proposed rulemaking as they address several concerns we have had with the program since the last major rulemaking in 2006 that implemented, among other changes, the Hometown Heroes Survivors Benefits Act of 2003. After years of frustration with the PSOB Program, we are glad to see that the program's leadership has been listening to us and has addressed several of our long-held concerns in this second proposed rule. We consider many of these changes big victories 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 in January 2017 to ensure that the changes being proposed 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.

You can find NAPO's comments on the second proposed rulemaking [here](#).

If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Statement in Response to IACP Apology**

NAPO's National President Michael McHale and Executive Director Bill Johnson issued the following statement in response to IACP President Terrence Cunningham's collective apology for American police:

"We are extremely disappointed to see such a poorly thought-out statement. NAPO stands for the notion of individual responsibility, not collective guilt. Such appeasement of the violent anti-police movement is just one more nail in the coffin of American law enforcement. The people who support American police officers aren't looking for an apology. And for the people who hate the police it won't make any difference."

Several major news organizations – the *New York Times*, *Christian Science Monitor*, and *US News and World Report* – quoted NAPO's statement in articles about IACP's apology:

[http://www.nytimes.com/2016/10/18/us/official-apologizes-for-police-role-in-mistrust-by-minorities.html?\\_r=0](http://www.nytimes.com/2016/10/18/us/official-apologizes-for-police-role-in-mistrust-by-minorities.html?_r=0)

<http://www.csmonitor.com/USA/Politics/2016/1018/More-and-more-push-for-police-reform-starts-with-the-chief>

<http://www.usnews.com/news/national-news/articles/2016-10-17/police-chiefs-group-apologizes-for-historical-mistreatment-of-minorities>

NAPO will continue to ensure our members' voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **NAPO Attends Second Law Enforcement Use of Force Symposium**

NAPO President Michael McHale and Executive Director Bill Johnson attended the second use of force symposium on October 17<sup>th</sup> in San Diego, California to continue the work on developing a national model use of force policy. The first symposium was April 5, 2016, in Alexandria, Virginia and brought together 17 of the nation's largest law enforcement organizations ranging from rank-and-file and management associations to research and training organizations to discuss and react to the Police Executive Research Forum's (PERF) 30 Guiding Principles for the use of force and come to a consensus on what should be a national use of force policy.

A good deal progress towards a consensus policy was made between rounds one and two of the symposium, but there are still a few items that need to be debated further in order to reach an agreement among the national organizations participating. The next steps will be a circulation of another discussion draft and a final meeting to cement support for the draft model amongst the groups. If this is successful, law enforcement will have come together in an unprecedented way to produce a national use of force model that all segments of the law enforcement community agree upon.

NAPO will share the model policy as soon as it is approved for distribution and review. NAPO is working to ensure the voice of the rank-and-file officers, whose jobs will be most impacted by this policy, is heard and that

this is a model that makes sense from the perspective of the officer on the street. If you have any questions, please contact Bill Johnson at [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **NAPO on Hill: Meeting with New House Law Enforcement Caucus Staff**

NAPO met with Congressman Dave Reichert's (R-WA) new staff for the House Law Enforcement Caucus, which he co-chairs, to introduce the staff to NAPO and our priorities for the rest of this Congress and looking into the next. Congressman Reichert – together with his co-chair Congressman Bill Pascrell (D-NJ) – has been a champion for law enforcement and a great partner working with NAPO to move our priorities.

NAPO reiterated our support for the Congressman's amendment to the House-passed version of the Department of Defense Appropriations bill, which would essentially rescind the President's Executive Order pertaining to state and local law enforcement's access to surplus military equipment. We let him know that we are full partners in working to ensure that provision is included in whatever measure is passed to fund the Defense Department for fiscal 2017 and made it clear that restoring law enforcement's access to this lifesaving equipment is one of NAPO's top priorities.

We also thanked the staff for the Congressman's support for the Public Safety Officers' Benefits (PSOB) Improvement Act, another of our top priorities of which the Congressman is an original cosponsor. NAPO helped craft this bill to address the issues of transparency and timeliness of case determinations within the PSOB Program. NAPO is currently working to ensure that the Senate quickly takes up and passes the PSOB Improvement Act when it returns from recess after the elections and we hope for quick turnaround in the House as well and the support of Congressman Reichert will be important to getting this done.

In addition to surplus military equipment and PSOB Reform, NAPO discussed the Children of Fallen Heroes Scholarship Act, which passed the Senate in May. This bill would qualify the children of public safety officers who died in the line of duty for the maximum award for Pell Grants and eliminate any expected family contributions. NAPO is working to make certain this bill is taken up by the House Judiciary Committee and quickly passed when Congress returns after recess.

Finally, NAPO discussed with the Congressman's staff the proposed police reform bill and the bipartisan Working Group on Policing Strategies, of which the Congressman is a member – and the only member with a law enforcement experience. The Working Group was created as a response to the shootings in Baton Rouge, Minnesota and Dallas. It met once in July and while members are back in their districts during the recess they are tasked with meeting with community and church leaders and activists as well as encouraged to not only meet with their sheriff and police chief, but to also go on a ride-along with their local police department.

NAPO is closely monitoring the work of the Working Group on Policing Strategies and has urged staff to ensure that representatives of rank and file officers have the ability to present our concerns with current police reform policies to the Working Group. The Working Group cannot just rely on law enforcement management to gain the perspective of the law enforcement community. It must meet with rank and file officers to understand how the men and women patrolling our communities' streets feel about policing in America today.

NAPO looks forward to working with Congressman Reichert and his staff to pass our remaining legislative priorities before the end of the year.

# **NAPO Participates on Call with Attorney General Regarding DOJ's New Law Enforcement Data Collection Plan**

On October 13<sup>th</sup>, Attorney General Loretta Lynch announced on a call with law enforcement representatives the Department of Justice's (DOJ) new plan to enable nationwide data collection on law enforcement interactions with civilians, including use of force data.

Under the Death in Custody Reporting Act (DCRA), state and federal law enforcement agencies are required to submit data to the DOJ about civilians who died during interactions with law enforcement or while in custody (whether from use of force or some other manner of death, such as suicide or natural causes). The Attorney General is looking to expand on the data collected by DCRA by partnering with state, local and federal law enforcement to also collect data on non-lethal uses of force by law enforcement. Part of this effort is the Federal Bureau of Investigation's (FBI) "National Use of Force Data Collection", an online portal established in 2015 to collect use of force data from agencies across the country.

Further, through the Uniform Crime Reporting (UCR) Program, the FBI is proposing a new data collection for law enforcement agencies to provide information on use of force incidents that have led to the death or serious bodily injury of a person as well as when a law enforcement officer discharges a firearm at or in the direction of a person. The agencies would provide information on the characteristics of the incident, the subjects of the use of force, and the officers who used force. Agencies would also be asked to positively affirm on a monthly basis whether they had any of the above described use of force incidents.

The FBI will start this as a pilot program with all major DOJ law enforcement agencies – including the FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Agency (DEA) and the U.S. Marshals Service – before moving to include all local, state, federal, and tribal law enforcement agencies.

The Attorney General also announced that the COPS Office is taking over the White House Police Data Initiative, a voluntary program in which participating agencies agree to publicly release at least three policing datasets, which can include stops and searches, uses of force, officer-involved shootings, and other police actions. This move will ensure that the Police Data Initiative will survive after the current Administration leaves office next year.

NAPO will be monitoring the FBI's pilot program closely to ensure that the data collection does not overly burden law enforcement agencies and that any dissemination of the data does not negatively impact officers and agencies.

## **DOJ Launches Police-Mental Health Collaboration Toolkit**

Throughout this last year NAPO has been working with DOJ's Bureau of Justice Assistance to create a comprehensive tool that will serve as the go-to source for information pertaining to police response and interaction with cases involving mental illness.

The Police-Mental Health Collaboration Toolkit provides resources for law enforcement agencies to partner with mental health providers and community partners. This new resource provides guidance and detailed steps to help law enforcement effectively respond to calls for service, improve outcomes for people with mental illnesses, and advance safety for all.

Explore [this toolkit](#) and let us know if you have any feedback regarding ways to further improve this very

important partnership between law enforcement and the mental health community. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## NAPO's Sponsor/Cosponsor Spreadsheet

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO updates this spreadsheet regularly, and continues to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andrea Edmiston at: [aedmiston@napo.org](mailto:aedmiston@napo.org).



## Your Nominations Make the Difference for TOP COPS®

This year marks the 24<sup>th</sup> 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](mailto:eloranger@napo.org). With your help and partnership, we know that TOP COPS® will be a tremendous success!