



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

October 3, 2016

Administration Announces Changes to “Prohibited” and “Controlled” Military Surplus Equipment Lists; Helmets Removed

On September 30th, the Law Enforcement Equipment Permanent Working Group announced [changes](#) that are being made for fiscal 2017 to the “prohibited” and “controlled” military surplus equipment lists established by Executive Order 13688. The restricted equipment lists and related requirements only pertain to equipment that state and local law enforcement agencies can acquire through the Department of Defense’s 1033 Program or purchase through federal grant programs; they do not limit what equipment state and local agencies can get with other sources of funding.

NAPO submitted [comments](#) to the Administration as well as the Department of Justice (DOJ), which heads the Law Enforcement Equipment Working Group, prior to this announcement on the changes that we feel must be made to the prohibited and controlled equipment lists. NAPO’s top concern is the need for unfettered access to vital defensive gear, such as ballistic/riot helmets, shields and body armor, which, although allowed under the executive order, agencies must jump through unnecessary and burdensome hoops to obtain.

Unfortunately, the Administration did not heed our comments and made only minor changes to the “prohibited” and “controlled” equipment lists. Our one victory is that “riot helmets” have been removed from the “controlled” equipment list and their use will no longer be restricted or monitored by the Administration.

Other minor changes include moving “less than lethal” launchers from the “prohibited” list – they were included under grenade launchers – to the “controlled” list. Grenade launchers are still prohibited, but agencies are now able to acquire equipment capable of only launching less than lethal ammunition once they jump through the administrative, training and reporting requirements associated with equipment on the “controlled” list. Additionally, the definition of “breaching apparatus” on the “controlled” equipment list no longer includes multipurpose tools such as sledgehammers and bolt cutters.

NAPO is disappointed that the Administration did not take seriously our concerns that restricting this equipment will have dire consequences for officers and the citizens they are sworn to protect. It is astonishing that the Administration would see fit to remove helmets from the equipment lists, but keep riot shields on. Under the justification for removing helmets from the list, the Administration states that it was removed “based on an evaluation and balancing of relevant factors such as officer safety, utility of equipment to law enforcement, building trust between law enforcement and the community, and the impact on the community of misuse, overuse, and inappropriate use”. NAPO is very interested to see examples of how riot shields have been misused and how officer safety is detrimental to community trust.

In addition to the minor changes to the equipment lists, the Administration announced changes to the training and reporting requirements that are part of the Law Enforcement Working Group recommendations. The first change is that the annual training requirement does not have to be conducted in a classroom setting, it can be satisfied through in-person presentations, announcements during roll call and video training. The second policy change is that law enforcement agencies are only required to collect and retain “required information” for controlled equipment acquired through Federal programs on or after October 1, 2015. Previously, agencies were required to report on all controlled equipment no matter when it was acquired for the “significant incident” data collection and reporting requirements.

While these minor training and reporting changes are beneficial, the Administration wipes out any goodwill with the addition of language to the Working Group recommendations that states that law enforcement agencies must comply with civil rights laws and reminds agencies that discrimination is prohibited in federally assisted programs. The fact that the Administration included this paragraph as part of its revision of the executive order is further proof that it has a fundamental lack of support and trust in the nation’s law enforcement community. Not only is the Administration continuing to withhold and restrict lifesaving equipment from law enforcement, it is telling the country that it does not trust the police to uphold the laws of our nation; laws officers swear to defend and protect.

In various meetings with the Vice President and White House officials over the summer, NAPO was assured that we would be intimately involved in the process of reevaluating the executive order and the equipment lists. Instead, we were asked to submit comments on the lists along with every other stakeholder organization. This Administration went back on its word that it would listen to and take into account the needs of rank-and-file law enforcement, and instead it continues to place community trust over officer safety. While we believe trust between law enforcement and the communities they serve is of the utmost importance, officers cannot successfully build trust if they themselves do not feel safe and supported.

NAPO will continue to pressure the Administration and work as part of the Law Enforcement Equipment Working Group stakeholder process to reestablish access to surplus military equipment. However, as it is evident that this Administration is unwilling to make any significant changes to the executive order, we will focus our efforts on overturning it through Congressional action. There remain a couple of opportunities to do so before the end of the Congressional session in December, but our work is cut out for us.

We will keep our members up to date on our work to restore unfettered access to this lifesaving equipment. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

The revised Law Enforcement Equipment Working Group recommendations can be viewed [here](#).

Congress Averts Government Shutdown, Leaves for a 6 Week Recess

Congress passed a 10 week spending measure on September 28th that averted a government shutdown and funds the government and all of its programs at fiscal 2016 levels until December 9th. Congress then adjourned to return to campaigning prior the election. When Congress returns on November 14th for the lame duck session and the last weeks of the 114th Congress, lawmakers are looking at what could be an ambitious schedule that includes finishing fiscal 2017 appropriations, taking up the fiscal 2017 National Defense Authorization Act (NDAA), and possibly moving on criminal justice reform. The fiscal 2017 appropriations is the only thing that must be done and we will have to wait and see how much else gets accomplished in a lame duck session that is only scheduled to be four weeks long.

NAPO will be working closely on the NDAA and ensuring the final legislation includes a provision supporting state and local law enforcement’s right to full access to surplus military equipment. While the provision will not

reverse the executive order, it is a step in the right direction. In addition to the NDAA, we are working on restoring our access to this equipment in the fiscal 2017 Defense Appropriations bill. The House version of the spending measure includes language that would defund the executive order and thus return access to surplus military equipment to state and local law enforcement.

NAPO is also focused on the criminal justice reform package, championed by House Judiciary Committee Chairman Robert Goodlatte (R-VA). There are several bills included in the package that NAPO supports, including the Comprehensive Justice and Mental Health Act, and several that NAPO has concerns with, such as the Sentencing Reform Act. It is uncertain if Chairman Goodlatte will also try to squeeze in a possible police reform bill into the package. Committee staff has been working on a draft bill for several months – without input from NAPO – with which we have some serious concerns. House Speaker Paul Ryan has indicated he wants to move the package during the lame duck session, but Senate Majority Leader Mitch McConnell (R-KY) stated that it will go nowhere in the Senate.

We are working with the Judiciary Committee and House leadership to separate the Comprehensive Justice and Mental Health Act from the package as it has already passed the Senate and has significant support to pass the House.

In addition to these issues, NAPO continues to work to pass our remaining legislative priorities before the end of the 114th Congress, including the PSOB Improvements Act and the Children of Fallen Heroes Scholarship Act. NAPO will keep our members up to date on our remaining priorities as we work to cap off a successful 114th Congress.

NAPO Participates in Call with the Combating Violent Extremism Task Force

NAPO participated on a call with the Combating Violent Extremism (CVE) Interagency Task Force on September 28th. The CVE Task Force was formed in January of this year between the Departments of Justice and Homeland Security to coordinate government efforts and partnerships to prevent violent extremism in the United States. This was the first call with the stakeholder community to provide an update of the Task Force's work and hear from community partners about how the Task Force can help promote their communities' CVE programs.

The Task Force also discussed the Department of Homeland Security's new Countering Violent Extremism Grant Program, the first federal grant funding available to non-governmental organizations (NGOs) and institutions of higher education to carry out countering violent extremism programs. The purpose of the new grants is to provide state and local partners and community groups with the ability to build prevention programs that address the root causes of violent extremism and deter individuals who may already be radicalizing to violence.

The CVE Task Force will hold regular calls with the stakeholder community for the purposes of sharing updates and best practices.

Senate Law Enforcement Caucus Promotes Operation Blue Shield

On September 28th, NAPO participated in a Senate Law Enforcement Caucus briefing promoting Operation Blue Shield (OBS), a nonprofit organization founded by Toni Pickens. OBS is committed to creating,

promoting and funding programs that bring citizens, local government officials, law enforcement and first responders together to work collaboratively to build trust and unity in our nation's communities.

Law Enforcement Caucus chairs, Senators Roy Blunt (R-MO) and Chris Coons (D-DE), kicked off the briefing, followed by introductions of Ms. Pickens by Senators and caucus members John Cornyn (R-TX) and Ted Cruz (R-TX). All spoke of the need to support our nation's law enforcement officers and of the difficult jobs officers do day in and day out to keep our communities safe. The Senators touted OBS as a program in which all communities should participate and invest. The briefing was bipartisan and well attended. At a time when Congress is divided on issues of criminal justice reform, NAPO appreciates the caucus hosting a bipartisan briefing focused on community support for police.



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!