



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

September 12, 2016

NAPO Submits Comments on PSOB Proposed Regulations

On July 15th, the Public Safety Officers' Benefits (PSOB) Office released a proposed rule that would formalize and put into regulations the PSOB Office's process for determining 9/11-related health claims and makes changes to how the Office determines Hometown Heroes (heart attack, stroke and vascular rupture) cases.

The rule states that the PSOB Office will work collaboratively with the World Trade Center Health Program (WTCHP) and the Victims Compensation Fund (VCF), enacted by the James Zadroga 9/11 Health and Compensation Act of 2010, to determine PSOB 9/11 exposure claims based on the WTCHP medical certifications and VCF determinations. By relying on the determinations of the WTCHP and the VCF, the PSOB Office states that it will be able to process a significant number of 9/11 related claims. As of the meeting, the Office has approved 37 claims since implementing this policy at the beginning of April.

Further, for those 9/11-related claims that do not have a WTCHP or VCF certification, the PSOB Office is adopting the methodology established by the WTCHP and the VCF to determine claims, including recognizing the List of WTC-related health conditions. NAPO appreciates that the PSOB Office is finally acting on these claims using accepted and respected methodology; however, we have some concerns with aspects of the rule. Particularly, we are concerned with how it will interact with the PSOB rule that all cases have to be filed within three years of the death or injury date unless "good cause" is shown. With this year being the 15th anniversary of the 9/11 attacks, we are concerned that many 9/11-related claims will not be considered due to the amount of time that has passed. NAPO submitted comments on the proposed rule in which we insisted that the PSOB have a grace period for "old cases" to be filed.

As for how the PSOB Office is determining Hometown Heroes claims, the proposed rule simplifies how the PSOB Office will establish whether the officer's heart attack, stroke or vascular rupture was a direct result of his or her engagement or participation in non-routine stressful or strenuous physical line-of-duty activity. NAPO's main concern here is that the PSOB Office follow the intent of the Hometown Heroes Act of ensuring public safety officers' families are provide for.

You can view NAPO's submitted comments on the proposed rule [here](#).

NAPO will be attending a stakeholder committee meeting scheduled for September 21st during which stakeholders will discuss with PSOB leadership their comments and concerns with the proposed rules. If you have any questions about either proposed rule or the PSOB program in general, please contact Andy Edmiston at aedmiston@napo.org.

NAPO on the Hill: Meetings with Senate Armed Services Committee on 1033 Program

On September 9th, NAPO met with staff of Senate Armed Services Committee members Kirsten Gillibrand (D-NY), Lindsey Graham (R-SC), and Thom Tillis (R-NC) to discuss our asks pertaining to the Department of Defense 1033 Program in the Fiscal 2017 National Defense Authorization Act (NDAA). The House and Senate have each passed their own versions of the Act and have been negotiating a compromise bill throughout the summer. It is expected that a final NDAA conference report will be completed by the end of September.

NAPO, together with other national law enforcement organizations, is urging negotiators to lay the ground work for rescinding the Executive Order. During consideration of the bill in the Senate, Senator James Inhofe offered an amendment, which NAPO endorsed, that would have rescinded Executive Order 13688 and return control of the 1033 Program to the Secretary of Defense and Congress. Despite Senator Inhofe's extraordinary efforts, which we greatly appreciate, this amendment was rejected by a tie vote. Because this amendment failed, we are unable to revoke the Executive Order in the NDAA, but we can make certain there is support for reestablishing law enforcement's access to surplus military equipment.

Senators Graham's and Tillis' staff indicated that protecting law enforcement's access to this lifesaving equipment is a priority for them in negotiations. They also stated that the Senators support the NAPO-endorsed provision included in the House version of the Defense Appropriations measure which would block funding to implement the President's Executive Order and reinstate state and local law enforcement's access to this lifesaving equipment.

Senator Gillibrand's staff was open and understanding of our concerns, but would not commit to supporting our request. Senator Gillibrand, although a partner with NAPO on many other law enforcement issues, voted against Senator Inhofe's amendment. NAPO is meeting with both Republicans and Democrats on the House and Senate Committees to ensure we have enough votes to create the support we need to make certain that the officers we represent regain access to the lifesaving gear they need to defend themselves and the civilians they are sworn to protect.

Please see the [joint law enforcement letter](#) to the leadership of the House and Senate Armed Services Committees. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Rebukes Attorney General for Delay in Implementing Blue Alert System

On August 31st, NAPO sent Attorney General Loretta Lynch a letter expressing our extreme concern and disappointment that the Department of Justice has done nothing to begin implementing a national Blue Alert system.

The Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015, named after two slain NAPO members, was signed into law by the President on May 19, 2015. In its August 12, 2016 response to a Freedom of Information Act request from a USA Today reporter, the Department of Justice stated that it had no records relating to the implementation of the Rafael Ramos and Wenjian Liu National Blue Alert Act. The Community Oriented Policing Services (COPS) Office was only just assigned the task of implementing the national blue alert system in June, over a year after the passage of this important legislation.

A statement from the COPS Office to USA Today (published in an August 30, 2016 article by reporter Gregory Korte entitled, “‘Blue Alert’ bill, signed with fanfare, now stalled in Justice Department”) stated that “[s]ince the passage of the Blue Alert Act, the department has devoted time and consideration to ensure the most appropriate and well suited DOJ component lead this effort”. It is indefensible that the Department took over a year to decide that the COPS Office should implement this system.

The creation of a national blue alert system is Action Item 6.1.1 of the Final Report of the President’s Task Force on 21st Century Policing, which the COPS Office is in charge of implementing. The fact that Congress did not appropriate any funding for the establishment of a Blue Alert system is also no excuse for the Department to have taken no action on its implementation. The Department found the money necessary to fund other Task Force recommendations, including the Police Data Initiative through the Police Foundation. Additionally, according to the Task Force Annual Report, in 2015, the COPS Office “incentivized implementation of task force recommendations through the award of more than \$120 million in grants”. None of those grants went to states to build Blue Alert systems or begin the integration of current systems.

27 states have blue alert systems, so there is no need to start from scratch. In fact, the purpose of the Rafael Ramos and Wenjian Liu National Blue Alert Act was to have the Department “encourage, enhance, and integrate Blue Alert plans throughout the United States”.

NAPO believes it is a slap in the face of law enforcement that the Department chose to implement and fund other recommendations over the one that was enacted by Congress and has the greatest chance of saving an officer’s life. It is just another example of this Administration not standing up for and defending the hundreds of thousands of federal, state, and local rank-and-file officers who put their lives on the line each day to keep our communities safe.

According to the National Law Enforcement Officers Memorial Fund (NLEOMF), on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 61 hours. Moreover, preliminary data from the NLEOMF indicates a 52 percent increase in the number of officer firearm-related fatalities from August 2015 to August 2016. The Dallas shooter who killed five police officers and the Baton Rouge shooter who killed three officers both posted threats to law enforcement on social media prior to the attacks. In the wake of these killings, a national Blue Alert system is more imperative now than it ever was.

NAPO is very disappointed that despite the fanfare surrounding the passage of the Rafael Ramos and Wenjian Liu National Blue Alert Act, the Department has chosen not to act on implementing a national Blue Alert system. The COPS Office has indicated that the Department will have an implementation plan within 60 days and we will hold the Department responsible for meeting that deadline.

Click [here](#) to view NAPO’s letter.

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

NAPO in the News: NAPO Calls for Charges in Facebook Threats Against Detroit Police

On September 1st, NAPO sent a [letter to Wayne County \(MI\) Prosecutor Kym Worthy](#) admonishing her for choosing not to press criminal charges against three individuals who posted violent threats against Detroit police officers on social media. Ms. Worthy attempted to blame the police for not being able to criminally charge these individuals, saying there were issues with the cases the officers had built around the three suspects.

On September 5th, *The Detroit News* reported on NAPO's letter to Ms. Worthy, highlighting our toughest criticism of the Wayne County Prosecutor:

“‘This seems to be just another example of your office not standing up for and defending the police officers who put their lives on the line each day to keep Wayne County’s communities safe,’ said the letter, signed by the organization’s president, Michael McHale, and director, William Johnson.

The NAPO letter said threats against cops should be taken seriously, given recent killings of police officers.

‘According to the National Law Enforcement Officers Memorial Fund, on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 61 hours,’ the letter said.

‘Moreover, preliminary data from the (fund) indicates a 52 percent increase in the number of officer firearm-related fatalities from August 2015 to August 2016. The Dallas shooter who killed five police officers and the Baton Rouge shooter who killed three officers both posted threats to law enforcement on social media prior to the attacks,’ the letter said.

‘In the wake of these killings, it is indefensible that your office would not take these social media threats seriously.’”

The full article is available at: <http://www.detroitnews.com/story/news/local/detroit-city/2016/09/05/detroit-police-question-delay-facebook-threat/89896432/>

NAPO in the News

On September 1st, NAPO Executive Director Bill Johnson was quoted in a *USA Today* article entitled, “Head of police organization: Colin Kaepernick's socks 'disrespectful' and NFL at fault”. Johnson was asked to comment on San Francisco 49ers quarterback Colin Kaepernick’s decision to wear socks that bear an image of cartoon pigs wearing police hats during training camp practices in August.

“‘It’s just ridiculous that the same league that prohibits the Dallas (Cowboys) football club from honoring the slain officers in their community with their uniforms stands silent when Kaepernick is dishonoring police officers with what he’s wearing on the field,’ Bill Johnson, executive director of the National Association of Police Organizations (a coalition of police unions and associations from across the country), told USA TODAY Sports.

‘I think the league is in a downward spiral regarding their obligations to the public under (Commissioner) Roger Goodell,’ added Johnson, ‘and this is just another example of that.’”

The full article is available at: <http://www.usatoday.com/story/sports/nfl/49ers/2016/09/01/police-reaction-colin-kaepernick-pig-socks-san-francisco/89715672/>

September 2nd, Johnson was interviewed by the “Dan Le Batard Show” on *ESPN Radio Network* ([audio link](#)) regarding Kaepernick’s actions.

Johnson was also interviewed by the *Dan Sileo Show* on The Mighty 1090 AM in San Diego on September 2nd: <http://www.mighty1090.com/episode/bill-johnson-nfl-has-not-responded-to-us/>

Johnson’s comments were also picked up by Time, NBC Sports, and ABC News:

<http://time.com/4476725/colin-kaepernick-socks-police-pigs/>

<http://profootballtalk.nbcsports.com/2016/09/01/national-association-of-police-organizations-tees-off-on-nfl-kaepernick/>

<http://abcnews.go.com/Sports/head-police-association-blasts-colin-kaepernick-socks/story?id=41803407>

Congressman Quotes NAPO in Floor Speech Supporting Police

On September 8th, Congressman Mo Brooks (R-AL) quoted NAPO Executive Director Bill Johnson in a speech on the House floor in support of law enforcement. He spoke out against the Obama Administration's false and inflammatory anti-police rhetoric, and expressed his support for America's brave police officers. Congressman Brooks stated:

“Time after time, after police shootings of African Americans, the Obama Administration's knee jerk, racially divisive strategy has been to paint a disturbingly false image of racial bias in police shootings that conflicts with a recent 2016 Harvard University study that found police are 24% less likely to fire upon African Americans than Caucasian Americans.

The Obama Administration's relationship with America's law enforcement has deteriorated so badly that William Johnson, the executive director of the National Association of Police Organizations, accuses Barack Obama of engaging in a 'war on police', adding that the Obama Administration's 'continued appeasements at the federal level with the Department of Justice, their appeasement of violent criminals, their refusal to condemn movements like Black Lives Matter, actively calling for the death of police officers, that type of thing, all the while blaming police for the problems in this country, has led directly to the climate that has made Dallas possible.’”

You can view Congressman Brooks' entire statement here: <https://www.youtube.com/watch?v=IDato-H8TMc>

NAPO Participates in Call with White House on School Safety

On September 9th, NAPO participated in a call with the White House Domestic Policy Council and Office of Public Engagement and the Departments of Education and Justice to discuss the need to train school resource officers, listing implicit bias training for officers a top priority. Additionally, the Education Department is recommending that schools do not include school resource officers as part of the disciplinary function of the school, but rather have them assigned simply to provide general safety and protection to the students and school community.

The Administration is also pushing schools to move away from exclusionary punishments like suspensions and expulsions, which Administration officials feel put students – particularly minority students – at a disadvantage. They did not provide any recommendations on how schools should punish students.

There was no opportunity for comment on the call. The Administration is looking to push these policies as well as the Recommendations of the 21st Century Policing Task Force on school police departments and campus police departments (see [memo from the Department of Justice to campus police departments and institutions](#)). If your association represents school resource officers or campus police, please be aware that these policies are coming down the pike.

If you have any questions, please contact Bill Johnson at bjohnson@napo.org.

Register Today for NAPO's Annual Legal Seminar

NAPO's Annual Legal Seminar at Mandalay Resort & Casino, in Las Vegas, Nevada, October 9 – 12 is fast approaching!

You will find all the information you need regarding registration, hotel reservations and the working agenda by following this [link](#) or, download the [brochure](#) and fax to NAPO at (703) 684-0515.

Don't forget to reserve your hotel rooms at Mandalay Bay. **Reservations must be made by September 15th** in order to receive NAPO's discounted rate! Make reservations on line at [MANDALAY BAY](#).

If you have any questions or need additional information please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703) 549-0775.

Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.