



The Washington Report

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

December 1, 2014

NAPO WASHINGTON REPORT

Grand Jury Reaches a Decision in Ferguson

On November 25, 2014, a Grand Jury decided that there was not enough probable cause to file any charges against Police Officer Darren Wilson in the death of Michael Brown.

Last week, NAPO's Executive Director, Bill Johnson, participated in numerous interviews regarding the Grand Jury's decision, including discussions with reporters for the following media outlets: Wall Street Journal, USA Today, Associated Press (twice), CBS Radio (twice), NPR, BBC, and CBC (Canadian Broadcast Company). During each of the interviews, Johnson stressed the following facts:

- The Grand Jury conducted an extensive and thorough review of Officer Wilson's actions.
- The Grand Jury was given five options to indict Office Wilson, and found no probable cause that any crime was committed.
- Johnson also continues to challenge false statements that have been perpetuated by social media and news outlets, including the following:
 - Media outlets reported that Officer Wilson shot Mr. Brown while he was surrendering, with his hands up, while others claimed that Officer Wilson shot Mr. Brown in the back while he was running away. All such claims have been proven false through autopsy findings and witness testimony. Evidence has clearly shown that Michael Brown was not surrendering with his hands in the air during this incident, nor was he shot in the back.
 - The media reported that Officer Wilson was not aware of the robbery that took place, where Mr. Brown stole cigars from a local store. The media criticized the Ferguson Police Department's decision to release a tape of the robbery. However, Officer Wilson heard a radio broadcast of a robbery in progress, as well as a brief description of the subject. Officer Wilson requested Mr. Brown and his companion move to the sidewalk upon recognizing Mr. Brown from the aforementioned dispatch. These facts make the release of the police tape relevant. Officer Wilson did know about the robbery, and properly initiated contact with Mr. Brown.
 - Johnson also continues to stress that "unarmed" does not equate to "not a threat." Officer Wilson is 6 feet, 4 inches tall and weighs about 210 pounds. Mr. Brown was an inch taller and weighed about 290 pounds. Officer Wilson was forced to defend himself as Michael Brown attempted to grab his gun, while he was inside his car. Later, Officer Wilson fired his weapon in self defense as Brown charged towards Officer Wilson.

We encourage you to review the following piece, which debunks the many myths surrounding the incident in Ferguson: [http://www.napo.org/files/6014/1703/5808/The Myths of Ferguson.pdf](http://www.napo.org/files/6014/1703/5808/The_Myths_of_Ferguson.pdf). (The paper is also attached to this report for your convenience and review).

If you have any questions about NAPO's response to the Grand Jury's decision, please contact Bill Johnson at: bjohnson@napo.org.

NAPO Supports the “Don't Tax Our Fallen Public Safety Heroes Act”

On November 26, 2014, NAPO sent the attached letter of support for **Congressman Erik Paulsen's (R-MN)** “Don't Tax Our Fallen Public Safety Heroes Act,” a companion bill to Senate legislation, which was also endorsed by NAPO. The Senate bill passed the Senate without opposition on September 18, 2014.

This legislation clarifies that both federal and state death benefits for the survivors of law enforcement officers killed in the line of duty should be treated the same and not be subjected to federal income tax. Survivor benefits for federal law enforcement officers are currently not subject to federal income tax, but there is some ambiguity about the treatment of these benefits for similar state-based programs.

NAPO looks forward to working with Congressman Paulsen to pass this important legislation. If you have any questions about this bill, please contact Melissa Nee at: mnee@napo.org.

NAPO Meetings on Capitol Hill

On November 25, 2014, NAPO met with senior staffers for the following members of Congress: **Congresswoman Rosa DeLauro (D-CT)**, **Congressman Gregory Meeks (D-NY)**, **Congressman Albio Sires (D-NJ)**, **Congressman Paul Tonko (D-NY)**, **Congressman Sean Patrick Maloney (D-NY)**, **Congressman Eliot Engel (D-NY)**, **Congresswoman Nita Lowey (D-NY)**, and **Congresswoman Elizabeth Esty (D-CT)**. NAPO used the meeting to discuss the following pieces of legislation:

James Zadroga 9/11 Health and Compensation Reauthorization Act: Each of the aforementioned members of Congress is a cosponsor of the James Zadroga 9/11 Health and Compensation Reauthorization Act. NAPO expressed appreciation for the support the members have given to this important bill. The Zadroga bill's two critical programs providing medical treatment and compensation for 9/11 heroes – the World Trade Center Health Program and the September 11th Victim Compensation Fund – are set to expire in October 2015 and October 2016 respectively. This legislation would continue these programs for 25 more years, through 2041.

Bulletproof Vest Partnership (BVP) Grant Act: The BVP Grant Program provides Federal funds to state and local law enforcement departments to assist state and local law enforcement efforts to purchase bullet resistant vests. NAPO continues to expend all available efforts to garner additional support for the House and Senate versions of this bill.

Community Oriented Policing Services (COPS) Improvement and Reauthorization Act: This bill would reauthorize the COPS Program for five years and raise the current hiring cap from \$75,000 to \$125,000. The COPS Office has been extremely successful in implementing and carrying out its designated objectives. Since its creation, the COPS Office has assisted over 13,000 of the nation's 18,000 jurisdictions with over \$14 billion in funding to hire more than 125,000 additional officers. Reauthorizing this program will allow for the continuation of a highly successful program that keeps our communities safe.

Justice and Mental Health Collaboration Act (JMHCRA): The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) created the Justice and Mental Health Collaboration Program (JMHCRA) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. The JMHCRA reauthorizes the successful MIOTCRA and extends the JMHCRA for five years. The JMHCRA can help law enforcement agencies across the United States in their responsibilities in assisting citizens with mental health issues.

Social Security Fairness Act: This bill would strike the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) formulas currently used to calculate Social Security benefits. Both formulas were enacted in the 1980s because Congress was concerned Social Security paid unintended benefits to workers who had spent most of their careers in “non-covered” jobs. However, the formulas go too far and penalize workers with split careers who contributed a great deal to Social Security, but retire under their “non-covered” pensions. By significantly scaling back and reducing Social Security benefits for law enforcement officers and their survivors, as GPO and WEP do, officers and their families are provided much less protection against financial difficulties.

National Blue Alert Act: This legislation would help to create a nationwide alert system to quickly identify and apprehend suspects when a law enforcement officer is injured or killed in the line of duty. Creating a nationwide system that responds to criminal action against law enforcement officers will ensure the safety of the officers and the public they protect.

NAPO appreciated the opportunity to meet with each of the staffers, and we look forward to continuing to work with them in the future. If you have any questions about any of the bills summarized above, please contact Melissa Nee at: mnee@napo.org.

NAPO Meeting on Capitol Hill – Congressman Neal’s Staff

On November 24, 2014, NAPO met with **Congressman Richard Neal’s (D-MA)** staff. In addition to discussing the bills listed above, NAPO discussed the Equal Treatment of Public Servants Act of 2014 (H.R. 5697), which Congressman Neal introduced with **Congressman Kevin Brady (R-TX)** on November 13, 2014. This legislation would repeal the Windfall Elimination Provision (WEP), and correct Social Security benefits for public servants. The main tenets of the legislation are below:

- Permanently repeals the current WEP and replaces it with a new and fair formula that treats public servants like the rest of American workers
- Guarantees public servants receive the benefits they earned while they paid into Social Security
- Reduces the WEP by up to 1/3 for current retirees, and up to 1/2 for future retirees – increasing lifetime Social Security benefits by between \$20,000 and \$32,400 (as estimated by the Social Security actuary)
- Does not impact the Social Security trust fund

NAPO is currently reviewing this legislation, and will keep our members updated on the status of the bill. If you have any questions about the Equal Treatment of Public Servants Act, please contact Melissa Nee at: mnee@napo.org.

Source:

United States. Cong. House. Equal Treatment of Public Servants Act. 113th Cong., 2nd sess. H. Doc. Washington, D.C.: Congressman Kevin Brady, 2014. Print.

NAPO Participates in Comprehensive Law Enforcement Review Project Teleconference

NAPO is involved in a comprehensive law enforcement review project, which was initiated in response to a proposal, co-authored by NAPO, recommending a criminal justice review. The Attorney General requested the COPS Office to lead the project, with input from a diverse group of law enforcement stakeholders.

The goal of the project is to create a foundational document that provides an overview of key developments and challenges in American law enforcement, focusing on the last fifty years. On November 19, 2014, NAPO participated in the following teleconference to move the project forward:

- **Technology in Policing**: This week's discussion focused on the management of technology.

NAPO is concerned over the direction the project has taken, as we feel that some of the discussions may be objectionable to our members. As we move forward, we will continue to strongly advocate that the rank-and-file perspective be included in the project review. NAPO will keep our members updated as the project moves forward.

If you have any questions about NAPO's involvement in the criminal justice review project, please contact Bill Johnson at: bjohnson@napo.org.

Help NAPO Generate TOP COPS® Nominations

It is that time of the year again! We are trying to gather as many quality TOP COPS® nominations as possible. With TOP COPS® again taking place in May, we are under very tight schedule constraints.

The 2015 ceremony will take place on Tuesday, May 12, 2015, in conjunction with National Police Week. The Awards Ceremony will be held at the JW Marriott Hotel in downtown Washington, D.C. The deadline for nominations is January 10, 2015.

Please take this opportunity to nominate a fellow officer. Please also feel free to include the nomination form in your association or department publication or e-mail the nomination form to friends and colleagues by downloading a PDF from our website, www.napo.org. (The form is also attached to the end of this report). Help us ensure that all states and territories are represented at the 22nd Annual TOP COPS Awards® Ceremony. We appreciate any help you can provide.

If you should have any questions, please contact NAPO's Director of Events, Elizabeth Loranger, at: eloranger@napo.org.

Please monitor NAPO's website www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at [NAPOpolice](https://twitter.com/NAPOpolice) for breaking news and updates.



The Myths of Ferguson

By now, our entire nation, it seems, is focused once more on the use of force by Ferguson, Missouri Police Officer Darren Wilson on Mr. Michael Brown. While it was clear from the (literally) incendiary and violent actions of the mob on the streets of Ferguson that they had no real interest in the Grand Jury's decision (they were already smashing into stores while the announcement was still being made), we hope that by knocking down some of the myths that have grown up around this case, we can do our part to place the truth into the public's view, and help anyone who is genuinely interested to understand what happened.

MYTH ONE: The "Unarmed" Teenager.

Every interaction or confrontation between a police officer and a citizen already has *at least* one firearm involved, the officer's. Officers are disarmed and killed with their own weapons in this country, that's a fact. That's also one of the reasons that a cardinal rule of thumb is that an officer's body armor must be rated to stop the rounds that his/her own weapon fires. The National Memorial here in Washington includes on its marble walls the names of those officers killed with their own firearm, or a partner's firearm that had been wrestled away from them. Officer Wilson's grand jury testimony established that Mr. Brown was physically punching the officer and actively trying to use the officer's own firearm against the officer when the officer, in reasonable fear of death or great bodily harm, first fired at Mr. Brown. And Officer Wilson's testimony is corroborated by the physical evidence at the scene: Mr. Brown's DNA *inside* Officer Wilson's patrol vehicle, and on the officer's uniform; and the stippling or soot evidence on Mr. Brown, indicating his actual physical proximity with the weapon when Officer Wilson fired. In this violent struggle for the gun, a struggle that the officer was losing to the aggressor, it is misleading and inaccurate to characterize Mr. Brown as "unarmed."

But what about the second series of shots, those that occurred outside the patrol vehicle? Again, the actual evidence is conclusive that Mr. Brown, after initially running from Officer Wilson (after the struggle over the gun in the vehicle) stopped on his own, and turned back towards the officer, and charged him. It is true that Mr. Brown, to the best of our knowledge, did not have a knife or gun in his hand at this time, but it is also true that *a lack of a weapon does not mean a lack of a serious threat of great bodily harm*. Mr. Brown is reported to have stood 6'4" and weighed close to 300 pounds. He was larger than every current starting linebacker in the NFL. He was much larger than Officer Wilson. More importantly, he had already demonstrated his intent to disarm the officer and the threat to shoot the officer with his own weapon after having disarmed him. Officer Wilson was without cover, having chased Mr. Brown down the street, away from his vehicle. At this point, it seems clear from the actual evidence that Officer Wilson simply had no choice left to him but to submit to being disarmed and shot, or to defend himself. But who took away the other choices that might have been? Mr. Brown. Which leads us to Myth Two.

MYTH TWO: The robbery just committed by Mr. Brown is irrelevant.

It is undisputed that Mr. Brown and his companion had just robbed a convenience store of cigars. The robbery was caught on video. When the video was released by the police department, critics raged that it was unfair, irrelevant, that the officer could not have known about it when he had his altercation with Mr. Brown. But the actual facts show otherwise. The robbery had already been reported to the police department. A report of the robbery *including a description of the suspects* had already been broadcast. Officer Wilson had in fact heard the broadcast shortly before encountering Mr. Brown and his companion walking down the middle of the street a short distance from the store where the robbery had just occurred. Not only did Mr. Brown and his clothing match the broadcast description, but in his hand, plainly visible, were the cigars.

Critics of the police had argued that if Officer Wilson didn't know about the robbery, he must have stopped Mr. Brown for a different, improper reason. But Officer Wilson *did* know about the robbery, and seeing that Mr. Brown and the apparent spoils of the robbery in his hand matched the description, properly initiated contact with Mr. Brown. Which leads us to Myth Three.

MYTH THREE: Mr. Brown was killed for stealing a box of cigars.

Mr. Brown was noticed because he was a great big man walking down the middle of the street at midday. You couldn't help noticing him. But much more than that, Mr. Brown was contacted by Officer Wilson because he matched the description of the robbery suspect. Notice the word "*contacted*" by Officer Wilson. As in spoken to, told to stop, asked what was going on. Not

shot or attacked or threatened by the officer. *Spoken to.* Officer Wilson knew this was probably the man who had just robbed the store of cigars, but used *absolutely no force at all*, let alone shooting Mr. Brown because of the stolen cigars. He tried to *talk* to him.

The actual evidence is clear once more, and this comes not just from Officer Wilson, but from other eyewitnesses as well as from the physical and forensic data, that the escalation of the encounter to physical violence was initiated not just once, but twice, by Mr. Brown, not Officer Wilson. The use of force, in this case deadly force, was resorted to by the officer only after a first violent attempt to disarm the officer and use his own gun against him, and the institution of a second physical attack by Mr. Brown. Mr. Brown wasn't shot because he stole a bunch of cigars; he was shot because he had quite deliberately put the officer in a position where no other course of action (save submission to the attack and disarmament) was possible. But this leads us to Myth Four.

MYTH FOUR: Officers want to kill people / Mr. Brown was executed while trying to surrender.

As the prosecutor in charge of the grand jury, Robert McCulloch, took great pains to point out again and again, the initial social media firestorm that propelled this case was all built on lies. The accusation was that Officer Wilson executed Mr. Brown while Mr. Brown was trying to surrender, perhaps on his knees, with hands in the air, pleading "Don't shoot!" The problem is that none of that happened. Three separate autopsies, including one at the request of Mr. Brown's family, showed that the shots which struck Mr. Brown did so when Mr. Brown was facing and/or in direct physical contact with, Officer Wilson. No shots in the back. No shots while Mr. Brown's hands were up over his head. No shots while Mr. Brown was on his knees.

The prosecutor was careful to point out that Mr. Brown's blood was found *farther away* from where Officer Wilson was standing when he fired than Mr. Brown's body was found. Why is that significant? Because the evidence shows that Mr. Brown was already hit by more than one round from the officer's gun. Thus we can conclude that Mr. Brown had already begun to bleed. And because Mr. Brown's blood was trailing out of his body as Mr. Brown moved, and his body was closer to Officer Wilson than the blood was, then Mr. Brown must have been moving *toward* Officer Wilson when shot, not away from him. Moving, not standing still, not surrendering, not on his knees with hands up. This again ties in with all the other physical evidence.

And one very important point that is so obvious that it is often ignored by the media which helps to demolish this myth: *It is the police themselves who are always the first to try to save the life of the person they just shot.* It is the officer who calls for medical help. It is the officer who tries to ascertain the extent of the offender's injuries. It is the officer who radios "suspect down." It is the officer who gives the location, directing EMS response to the scene. It is the *very same*

officer who just had to use deadly force to protect himself from a violent attack who now does everything in his power to save the life of the person who just attacked him. The officer does not want the suspect *dead*, he wants him *stopped*. There is a world of difference between those desires.

MYTH FIVE: The Grand Jury prosecutor was biased against Mr. Brown.

Critics of the police and the grand jury have argued from early on in this case that St. Louis County Prosecuting Attorney Robert McCulloch should step down. That he could not be fair in this case. That he was biased against Mr. Brown. They alleged that the reason he would be biased against Mr. Brown is that Mr. McCulloch's own father, a police officer, was murdered by an African-American man. And Mr. Brown was also African-American. But think about that for a minute. The facts of Mr. McCulloch's father's murder, and Mr. Brown's race, *would only matter in this case if the evidence showed that Mr. Brown attacked Officer Wilson*. If Mr. Brown was harassed by Officer Wilson for no reason other than walking down the street, it doesn't matter how Mr. McCulloch's father died. If Mr. Brown was killed for stealing a box of cigars, it doesn't matter how Mr. McCulloch's father died. If Officer Wilson shot Mr. Brown in the back as he tried to run away, it doesn't matter how Mr. McCulloch's father died. If Mr. Brown was executed for no reason while he was surrendering, hands in the air, then it doesn't matter how Mr. McCulloch's father died. *It only matters if Mr. Brown was someone who violently attacked a police officer.*

Facts are indeed stubborn things. Unfortunately, so are myths when they are promulgated and perpetuated by a complacent media.

Please pass this along to anyone who prefers facts.



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

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Benevolent Association

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NATIONAL HEADQUARTERS

WILLIAM J. JOHNSON
Executive Director

November 26, 2014

The Honorable Erik Paulsen
United States House of Representatives
127 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Paulsen:

On behalf of the National Association of Police Organizations (NAPO), I write to you to express our full support of the *Don't Tax Our Fallen Public Safety Heroes Act* (H.R. 5767).

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

The *Don't Tax Our Fallen Public Safety Heroes Act* clarifies that both federal and state death benefits for the survivors of law enforcement officers killed in the line of duty should be treated the same and not be subjected to federal income tax. This legislation will ensure that families of fallen officers are not forced to pay an excessive tax after their loved ones gave the ultimate sacrifice to protect our nation.

NAPO strongly supported the Senate companion bill, sponsored by Senators Kelly Ayotte and Jeanne Shaheen, which passed the Senate without opposition. We look forward to working with you to pass this legislation in the House of Representatives.

Please let us know how we can be of further assistance, and feel free to contact me at: (703) 549-0775.

Sincerely,

William J. Johnson
Executive Director



TOP COPS Awards® Nomination Form National Association of Police Organizations

The 22nd Annual TOP COPS Awards® Ceremony

Requirements: All nominees must meet the following requirements in order to be considered.

- Nominee(s) must be a sworn law enforcement officer from any federal, state, county or local law enforcement agency within the United States, its territories and possessions.
- Nomination must be submitted by a sworn law enforcement officer, who must provide his/her signature in the space designated below, certifying the facts as accurate.
- Nomination must involve an incident or case occurring or concluding between January 1, 2014 and December 31, 2014.

Instructions:

Please write a short essay on why your nominee should be considered for a 2015 TOP COPS Award®. This essay should be composed specifically for consideration of a 2015 TOP COPS Award® on a separate sheet of paper. Remember to be as specific as possible with references to dates, events, etc. In addition, you will need to complete the areas below and attach this form to your essay. We encourage you to send additional information in support of your nominee: newspaper articles, police reports and video all help our judges in their decision making process. Kindly send your package by January 10, 2015 to:

The Twenty-Second Annual TOP COPS Awards®
National Association of Police Organizations, Inc.
317 South Patrick Street, Alexandria, Virginia 22314

Nominee:

Title: _____
Full Name: _____
Department: _____
Work Street Address: _____
City, State and Zip: _____
Telephone (W): _____ Telephone (Cell): _____
E-mail: _____

Nominator:

Title: _____
Full Name: _____
Department: _____
Work Street Address: _____
City, State and Zip: _____
Telephone (W): _____ Telephone (Cell): _____
E-mail: _____
Signature: _____

