

**Senate Judiciary Committee, Subcommittee on Crime and Terrorism
Hearing on “The Long-Term Care Needs of First Responders Injured in the Line of Duty”**

**Prepared Statement by Dale Sutherland
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Good afternoon, Chairman Graham, Ranking Member Whitehouse and distinguished members of the Subcommittee on Crime and Terrorism. Thank you for the opportunity to speak to you today about the need for comprehensive, long-term care for public safety officers permanently injured in the line of duty across the United States.

I am Dale Sutherland, founder and president of Code 3, a nonprofit organization established in 2015 with assistance from the Diana Davis Spencer Foundation. Code 3’s mission is to care for cops and the communities they serve. We help build healthy communities by bringing police and residents together to address local challenges. Our work is educating, empowering and equipping cops and citizens with the tools they need to make progress on important issues such as violence prevention, gang deterrence and leadership development among children and youth.

For nearly three decades, I served as a Detective Sergeant with the Metropolitan Police Department right here in our nation’s capital. I spent most of my career working in narcotics, firearms, and violent crime cases in an undercover capacity. Shortly after joining the Police Department in 1987, I had the joy of meeting Ms. Lani Pinkney. She was the youngest person in our class and the fastest runner in the whole group - everyone loved her.

Upon graduation from Police Academy, Ms. Pinkney and I went to different districts, but met up again in 1995 when we were both assigned to the Fifth District. Unfortunately, while on-duty and also pregnant, Ms. Pinkney attempted to make an arrest and was shot. As a result of the injuries she sustained from that incident, she is permanently disabled and has been wheelchair-bound for 22 years.

I connected with Ms. Pinkney again in-person in the Fall of 2017 and was heartbroken as I listened to her recount the many ways she has struggled to secure adequate health benefits and even the most basic daily living aids. I couldn’t believe that despite her heroic sacrifice, she had been forgotten and left to fend for herself. It was then that I knew something had to be done. The prospect that there might be other disabled police officers such as Ms. Pinkney facing the same challenges was simply unacceptable. I immediately met with our Board Chairman and we began to specifically research felonious assaults against police officers that result in permanent disability.

Ms. Pinkney joins me here today to tell her story and to represent what we believe is not an isolated incident of inconsistent care, but instead a symptom of a much larger problem facing our nation. Over the past 12 months, Code 3 has documented anecdotal stories from injured police officers that mirror what you will hear today. We’ve also interviewed police organization and analyzed available research. The evidence we’ve gathered to date consistently points to the

existence of systemic gaps in benefits for public safety officers who are permanently injured in the line of duty.

In addition to Ms. Pinkney's story, you also have received written testimony from two additional officers injured in the line of duty. Lieutenant Will Rogers is a 24-year veteran with the Berkeley County Sheriff's Office in South Carolina who was shot in the head by a masked gunman on May 14, 2015. Officer Peter Laboy of the Alexandria Police Department was also shot in the head in Alexandria, Virginia on February 2013. Their stories further detail the challenges faced by officers requiring long-term care post-injury.

We believe there may be many other injured police officers who are suffering silently. In the absence of research tracking the number of permanently disabled officers in the United States, it is impossible to know how many individuals could be falling through the cracks of our current benefits system.

The nature of benefits received by injured officers at the state and local levels generally consists of recurring disability payments in addition to medical and retirement benefits from their respective jurisdictions. The Public Safety Officers' Benefits (PSOB) program, a federal program administered through the U.S. Department of Justice, also provides both death and disability benefits to eligible individuals who have sustained fatal or debilitating injuries in the line of duty that prevent their return to work. PSOB provides a lump sum payment intended to supplement resources provided at the state and local levels. In FY' 2018, the PSOB program will provide approximately \$350k for eligible deaths and disabilities.

Federal research supports our theory that resources administered to injured officers at the state level often vary greatly at the state level. In 2005, the National Defense Authorization Act directed the U.S. Government Accountability Office, known as GAO, to conduct a study of the disability benefits available to federal, state, and local government employees who serve in high-risk occupations with risks analogous to military service. The survey, which surveyed six states accounting for differences between larger and smaller agencies as well as metropolitan versus rural states, found a disparity between benefits for military officers and public safety officers. The report stated:

"Benefits received over a lifetime for permanent total disability are greater for military veterans than for the selected civilian PSOs in some situations and not in others, depending on such factors as the program's provisions for concurrent receipt of compensation and disability retirement benefits, and whether the veteran's type of injury qualifies for special compensation."

In sum, our current system to injured officers has led to an inequitable benefit system for injured officers. It is possible for a police officer to sustain a career-ending injury on the job in one state and receive adequate disability and medical benefits, while an officer who sustains the exact same injury in another state receives meager benefits and struggles to make ends meet. The GAO's report acknowledged this problem, but offered no solutions to address it. Our observations also found that age is another discriminating factor across the current benefits system. Individuals who sustain permanent disabilities early on in their careers can suffer a

greater loss of earning potential over their lifetime which is generally not captured by federal, state or local benefit programs.

Allow me to spend just a few minutes providing a brief overview of the data available on this issue to-date.

- The U.S. Bureau of Labor Statistics' Injuries, Illnesses, and Fatalities program provides an annual report on the rate and number of work-related injuries, illnesses, and fatal injuries for various industries including law enforcement. BLS relies on OSHA surveys to collect this data. In 2014, BLS reported 27,660 injuries sustained by law enforcement officers. 27 percent of these injuries (or 7,468) were caused by violence. However, BLS only collects data on injured first responders for the first 180 days after the injury is sustained and does not provided date on the number of law enforcement officers who are permanently disabled.
- The Federal Bureau of Investigation's Law Enforcement Officers Killed and Assaulted Program (LEOKA) collects data on the number of law enforcement officers killed and assaulted in the line of duty but does not track the number of officers who sustained permanent, career-ending injuries as a result of the assault. The LEOKA program relies on voluntary reporting from the states.
- The U.S. Department of Justice's Bureau of Justice Statistics (BJS) collects data related to crime, criminal offenders, victims of crime and the operation of justice systems at all levels, but does not track assaults against law enforcement.
- PSOB receives applications from disabled law enforcement officers or surviving families; the program provides assistance to approximately 900 individuals each year. These applications may be a source to identify the scale of this issue.

In light of these realities, we offer four policy and program recommendations for consideration:

1. Track Disabled Public Safety Officers and their Care.

Given the critical information gap on the number of permanently disabled officers, we urge Congress to immediately begin collecting data on the number of first responders permanently injured in the performance of duty as well as the benefits they receive or require each state to do so in a manner that is consistent and can be comparatively analyzed. Analysis of this data at regular intervals should assess the level of variability in state benefits as well as the potential disparity in benefits for individuals who sustain injuries early on in their careers.

2. Establish Accountability for the Care of Injured Officers.

Create federal guidelines prescribing minimum standards of care for all permanently disabled public safety officers. At the most basic level, these benefits should include health insurance and an annual stipend for daily living aids needed directly as a result of the injury.

3. Adjust and Fund PSOB Program for Officers Injured Early in their Careers.

Given that state and local benefits may rely on the number of years worked by a public safety officer to determine disability benefits, we recommend that Congress consider making additional support available for permanently disabled officers that are injured early in their careers. Also, study whether the distribution of incremental life-long benefits would be more advantageous than a lump sum.

4. Engage Non-Profit and/or Private Organizations to Promote and Support PSOB.

We ask Congress to encourage the PSOB and other data collection programs to work with non-profit and/or private organizations to establish a nationwide program to promote benefit awareness as well as public awareness of the issue. Ideally, this would include development of a registry and a support platform for private contributions.

I am grateful that Code 3 is not alone in its efforts to raise awareness of this issue. Other prominent police support organizations have provided either letters or written testimony in support of this cause. These organizations include the International Association of Chiefs of Police (IACP), Concerns of Police Survivors (C.O.P.S.) and the Association of Retired Police Officers.

In closing, I would like to thank Chairman Graham and the Committee for allowing me to testify today. Please also reference my written testimony for additional information. I personally look forward to continuing to work with the Members of this Committee and the Senate Law Enforcement Caucus to address this important issue.