



The Washington Report

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

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NAPO Meets with COPS Director

NAPO Executive Director Bill Johnson and Governmental Affairs Director Andy Edmiston met with the Director of the Community Oriented Policing Services (COPS) Office, Phil Keith, who is also the executive director of the President's Commission on Law Enforcement and the Administration of Justice, to discuss what we ultimately want to see come out of the Commission's work and recommendations. We prioritized issues that would fall under the Commission Working Groups for Officer Safety, Health and Wellness, Respect for Law Enforcement, Grant Programs, and Recruiting and Training.

Officer Safety, Health and Wellness: We reiterated the recommendations and priorities that NAPO President Mick McHale identified in his [testimony to the Commission](#): peer mentoring programs, confidentiality of critical incident stress debriefings and peer counseling, and post-dramatic stress disorder (PTSD) as a covered condition under workers' compensation laws. We also highlighted legislation that NAPO is prioritizing this Congress: Protecting America's First Responders Act (S. 1208 / H.R. 2812), which would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits; and the Law Enforcement Suicide Data Collection Act (S. 2746 / H.R. 3735), which would require the Department of Justice to establish a program to collect data on law enforcement and former law enforcement suicides at the local, State, and Federal level.

Respect for Law Enforcement: We concentrated on the issues of public perception of law enforcement and the laws they enforce, including the work we are doing to promote the concept of "comply, then complain", the need for increased penalties for violent crimes against law enforcement officers, and support for a national law enforcement officer bill of rights. Legislation NAPO is working on regarding these issues are the Back the Blue Act (S. 1480 / H.R. 5395), the Protect and Service Act (H.R. 1325), the LEOSA Reform Act (H.R. 1156), and the Law Enforcement Officer's Procedural Bill of Rights Act.

Grant Programs: NAPO thanked Director Keith for his leadership of the COPS Office and stated how important the Office and the grants it provides are to state and local law enforcement. The COPS Hiring Program, the Law Enforcement Mental Health and Wellness Act Program, and the National Blue Alert Network are particularly valuable. We urged the Commission to support full funding for the COPS Office and the programs it runs. We also highlighted the need to fully fund the Bulletproof Vest Partnership Grant Program and the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA).

Recruiting and Training: On this issue, we repeated our recommendation that the Commission publicly support the legitimate workplace and adjudicative rights of officers. We also pushed the Commission to support collective bargaining rights for all state and local law enforcement officers and highlighted the Public Safety Employer-Employee Cooperation Act (H.R. 1154 / S. 1394). Lastly, we discussed the importance of benefits

to recruiting and retaining qualified officers, particularly the need to protect public pension plans and officers' retirement security. Part of protecting retirement security is repealing the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP).

We also mentioned the First Responder Tax Package that we are pushing that consists of the Supporting America's First Responders Act (H.R. 5342), the Putting First Responders First Act (H.R. 2560 / S. 1278), and the Public Safety Retirees Healthcare Protection Act (H.R. 4897). These provisions would improve officers' financial security and help with recruiting and retaining officers.

NAPO appreciates the opportunity to discuss our priorities for the Commission's final recommendations with Director Keith and the continued cooperative relationship we have with the COPS Office and the DOJ in general.

The Commission was created by President Trump on October 28, 2019 and is studying issues related to law enforcement and the criminal justice system. It will make recommendations to the Attorney General on actions that can be taken to prevent, reduce, and control crime, increase respect for the law, and assist victims. The Attorney General must submit a report with recommendations to the President by October 27, 2020.

The Commission is now gathering written statements and comments and Director Keith encourages all of NAPO's member organizations to submit comments to the Commission via email to LECommission@usdoj.gov. Attached is the [flyer](#) with further directions for submitting a statement. If you have any questions or need assistance, please contact Andy Edmiston at aedmiston@napo.org or (703) 549-0775.

NAPO on the Hill: 116th Priorities

NAPO continues to meet with key members of Congress to discuss the legislation we are prioritizing for National Police Week (week of May 11). NAPO works in conjunction with other national law enforcement organizations – both management and labor – to push a list of bills we all agree on and support to move during National Police Week.

In addition to House Leadership and House Judiciary Committee majority and minority leadership staff, NAPO has met with staff of Senate Judiciary Committee Ranking Member Dianne Feinstein (D-CA). We discussed the need for legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, legislation to ease the requirements for officers to qualify for the Public Safety Officers' Benefits (PSOB) Program disability benefits, the Law Enforcement Suicide Data Collection Act, the LEOSA Reform Act, and our first responder tax package.

The Back the Blue Act (S. 1480 / H.R. 5395) would increase penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. Senator John Cornyn (R-TX) and Representative Don Bacon (R-NE) are the sponsors of the Back the Blue Act.

The Protecting America's First Responders Act (S. 1208 / H.R. 2812) would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits. It would also ensure that beneficiaries receive the highest award amount possible and it will make certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance program. Senator Charles Grassley (R-IA) and Representative Pascrell are the sponsors of this bill. S. 1208 passed the Senate on May 16, 2019.

The Law Enforcement Suicide Data Collection Act (S. 2746 / H.R. 3735) would require the Department of Justice to establish a program to collect data on law enforcement and former law enforcement suicides at the local, State, and Federal level. It is sponsored by Senator Catherine Cortez Masto (D-NV) and Representative Mike Quigley (D-IL).

The LEOSA Reform Act (H.R. 1156) would ensure the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented. The bill would expand the areas qualified current or retired officers are allowed to carry a firearm, including on a Gun Free School Zone; on state, local and private property otherwise open to the public; and in certain federal facilities. It will allow qualified officers and retired officers to carry an ammunition magazine of any capacity that is not prohibited by federal law. Importantly, it will reform qualifications standards to alleviate undue burdens for those carrying under LEOSA. Representative Rutherford is an original cosponsor of the LEOSA Reform Act, which is sponsored by Representative Bacon.

The First Responders Tax Relief package consists of the Supporting America's First Responders Act (H.R. 5342), the Putting First Responders First Act (H.R. 2560 / S. 1278), and the Public Safety Retirees Healthcare Protection Act (H.R. 4897). Representative Pascrell sits on the Ways and Means Committee and will be a strong ally in moving this package.

Senator Feinstein's staff indicated that they will work with us to support and move bipartisan legislation through the Committee for National Police Week, including the Law Enforcement Suicide Data Collection Act and the Protecting America's First Responders Act. We have much work to do to ensure that these bills are ready to move and have enough bipartisan support both in Committee and on the floor. NAPO continues meeting with members of the House and Senate to gain support for our priority legislation. If you have any questions about NAPO's meetings on the Hill or the issues addressed, please contact Andy Edmiston at aedmiston@napo.org.

Congress Closes to the Public in Response to COVID-19

As of March 13, the U.S. Capitol Complex, including House and Senate Office Buildings, are closed to the public and many members of Congress have closed their D.C. offices and directed their staff to telework. NAPO's meetings on the Hill are now phone calls and much of our work will be done over the phone and via email at least through April 1. Given our relationships with staff, we do not believe this will impact our ability to lobby on our most pressing issues, but COVID-19 may impact our ability to meet our National Police Week goals, depending on how Congress moves forward with its work.

We will keep our members up to date on the status of our work on the Hill as Congressional leaders continue to grapple with and decide how to respond to the coronavirus.

NAPO Participates in Officer Safety & Wellness Group Meeting

NAPO President Mick McHale and Governmental Affairs Director Andy Edmiston participated in a meeting of the National Officer Safety and Wellness (OSW) Group, which is comprised of federal, state and local law enforcement associations and agencies, research organizations, and the Community Oriented Policing Services (COPS) Office, Bureau of Justice Assistance and National Institute of Justice within the Department of Justice (DOJ). The aim of the OSW Group is to better understand and respond to the range of issues associated with improving officer safety and wellness.

The past few meetings have been focused on the issues of mental wellness and resiliency as well as suicide prevention. In this meeting, the Group continued the discussion around peer mentoring services as well as

considered fitness for duty requirements and the importance of physical health as a component of officer safety and wellness. The Group heard from experts who stated that regulating stress and maintaining heart and physical health should all be part of an officer wellness program. NAPO pressed the group on the importance of including the union or rank-and-file association from the on-set in all decision-making and discussions on establishing a health and wellness program for a department to ensure its success.

In regards to peer counseling, the discussion focused on its efficacy and how to ensure officer confidentiality so that these vital programs are actually used and officers are protected. President McHale presented on the Florida peer-to-peer legislation that he has been working on with the Florida Police Benevolent Association, which deals with peer mentor reporting requirements and confidentiality for officers who seek peer counseling services. Many states have or are working on creating laws to protect the confidentiality of peer mentoring services, but there are still gaps. The group discussed the need for national peer counseling services confidentiality guidelines.

The result of this meeting will be a report from the COPS Office outlining best practices, lessons learned and guidelines on ensuring officer safety on the job and mental health resources. The COPS Office just released the report from the July 2019 Officer Safety and Wellness Group Meeting entitled, “[*Promoting Positive Coping Strategies in Law Enforcement*](#)”.

NAPO will continue to participate in the National Officer Safety and Wellness Group to ensure that rank and file officers get the support and resources they need to protect and take care of themselves and the communities they serve. If you have any questions about the National Officer Safety and Wellness Group, please contact Andy Edmiston at aedmiston@napo.org.

NAPO in the News

On March 9, NAPO Executive Director Bill Johnson was quoted in an article by *The New American* entitled, “New Effort Made in Congress to Prosecute Local Police”. The story discusses the Police Accountability Act (H.R. 5777), which would make it a federal crime for a law enforcement officer to assault or kill an individual. NAPO is actively opposing this legislation that was introduced by Representative Hank Johnson (D-GA).

The article quoted NAPO’s letter to Rep. Johnson that laid out our concerns with the bill:

“Currently, any crime committed by a state or local police officer is already federally punishable and prosecutable if the officer violated an individual’s federal constitutional rights. As this obviously includes homicides, there is no need for this legislation.”

The article went on to quote, “We do not need to create duplicative federal law to produce witch hunts against officers whose use of deadly force was justifiable under law simply because they used deadly force.”

The article argues that this bill represents federal overreach into a matter that has long been under the jurisdiction of states and that it is unfair to target one type of individual (a police officer) for federal prosecution when the average citizen would not be subject federal prosecution for the same crime. The author clearly agrees with NAPO’s reasons for opposing the Police Accountability Act.

The full article can be found here: <https://www.thenewamerican.com/usnews/politics/item/35098-new-effort-made-in-congress-to-prosecute-local-police>

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.

NAPO Endorses Bill to Stop Online Child Exploitation

NAPO pledged its support for the Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act of 2020, S. 3398, introduced by Senate Judiciary Committee Chairman Lindsey Graham (R-SC) and Senator Richard Blumenthal (D-CT). This legislation creates the National Commission on Online Child Sexual Exploitation Prevention to standardize enforcement of online child sexual exploitation laws and help prevent and reduce child exploitation.

Since its inception in 1998, the National Center for Missing and Exploited Children's (NCMEC) CyberTipline has received more than 64.5 million reports of suspected child sexual exploitation. In 2019 alone, the CyberTipLine received 16.9 million reports of apparent child sexual abuse images, suspected "sextortion", child sex trafficking and child sexual molestation. Unfortunately, Section 230 of the Communications Decency Act (CDA) inadvertently gives broad criminal immunity to websites and ESPs that enable sex trafficking. This significantly hampers law enforcement's ability to enforce state trafficking laws against such websites.

The EARN IT Act addresses this issue by amending Section 230 to allow companies to earn their liability protection for violations related to child sexual abuse material. It establishes a National Commission on Online Child Sexual Exploitation Prevention to recommend best practices related to preventing, reducing and responding to online child sexual exploitation. Companies that certify compliance with the established best practices, or create similar practices, will maintain their immunity. Those who do not, will lose it. This creates consistency that bolsters the enforcement of laws against child sexual abuse materials.

While the EARN IT Act does not address the issue of encryption, which is a significant impediment to law enforcement's fight against online child sexual exploitation, it is an important step forward to protecting our nation's children online. NAPO looks forward to working with Chairman Graham and Senator Blumenthal to ensure law enforcement is given every tool available to deter and address online child sexual exploitation.

Plaintiff in *Janus* Case Appeals to Supreme Court to Recoup Dues

Mark Janus, the plaintiff in the U.S. Supreme Court case *Janus v. AFSCME*, has appealed to the Supreme Court to have his union pay back the dues that were ruled unconstitutional in the Court's *Janus* decision. Mr. Janus is appealing an appeals court ruling that held that the American Federation of State, County and Municipal Employees (AFSCME) does not have to pay back the fees it collected before the Supreme Court ruling. The appeals court held that the Supreme Court's decision was not retroactive given the fees were constitutional before the 2018 decision.

NAPO will follow this appeal closely and keep our members updated on its status. It is unlikely the case would be heard this term, as the Supreme Court will stop hearing oral arguments for its 2020 term at the end of April. If Mr. Janus's appeal is taken up, it would be heard in the next term, which begins in October.

If you have any questions about the issues or legislation discussed in this issue of the Washington Report, contact Andy Edmiston at aedmiston@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](https://twitter.com/NAPOpolice) for breaking news and updates.