



The Washington Report

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

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NAPO WASHINGTON REPORT

NAPO's Legislative Positions Update

Attached please find NAPO's updated "Legislative Positions" document for your review. The table denotes all status updates in yellow. Also attached is the updated sponsor/cosponsor list for the major pieces of legislation NAPO is currently tracking in the House and the Senate.

NAPO will continue to provide status updates on our top legislative priorities. If you have any questions about any of the legislation NAPO is currently tracking, please contact Melissa Nee at: mnee@napo.org.

NAPO Briefings on Capitol Hill – Proposed Modifications to DPPA Amendment & Officer Sean Collier Campus Police Recognition Act

Over the past two weeks, NAPO has met with staffers for **Congressman Bill Pascrell (D-NJ)**, **Congresswoman Lois Frankel (D-FL)**, and **Congressman Michael Grimm (R-NY)** to outline our proposed modifications to the most recent amendment to the Driver's Privacy Protection Act (DPPA). The DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released. The most recent DPPA amendment authorizes a private right of action for knowing violations, and a court may award damages in the amount of \$2,500 for each time a record was accessed, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

NAPO's proposed language modifications to the DPPA amendment include adding a clause that explains that penalties will be applied only if persons access information with the specific intent to secure an economic benefit. Also, NAPO proposes removing the \$2,500 penalty for a violation of this act, as well as adding a statement that explains there must be repeated disregard of this law for action to be taken. If the language is not modified, law enforcement officers will be subject to large fines, and even the loss of their licenses for *de minimus* actions.

NAPO's Executive Director, Bill Johnson, outlined NAPO's position on the DPPA in a recent Huffington Post article that can be accessed at the following link: http://www.huffingtonpost.com/2014/02/11/donna-jane-watts-lawsuit_n_4765179.html.

NAPO also used the meetings to request support for the Officer Sean Collier Campus Police Recognition Act, which amends the Omnibus Crime Control and Safe Streets Act of 1968 by adding campus police officers to the Department of Justice's Public Safety Officers' Benefits Program.

The staffers were very receptive to NAPO's proposals. NAPO will continue to keep our members updated on the status of these initiatives.

NAPO Joins Fellow Stakeholders in JMHCA Briefing on Capitol Hill

NAPO joined fellow stakeholders in a meeting with **Congressman Adam Kinzinger's (R-IL)** staff on February 24, 2014. The group provided background and requested support for the Justice and Mental Health Collaboration Act (JMHCA).

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

NAPO followed this briefing with a meeting with **Congressman Frank LoBiondo's (R-NJ)** staff to request support for the JMHCA. NAPO has a strong working relationship with Congressman LoBiondo, who is the sponsor of the Bulletproof Vest Partnership Grant Program Reauthorization Act (see details below).

NAPO will continue to reach out to members of the House of Representatives to request they cosponsor the JMHCA. The House bill is currently supported by 38 cosponsors, and we are working to increase the cosponsor tally to 50 to demonstrate the strong support the bill holds.

NAPO Briefings on Capitol Hill – Massachusetts Delegation

Over the past two weeks, NAPO has met with staffers for **Congressman John Tierney (D-MA)**, **Congressman Stephen Lynch (D-MA)**, **Congresswoman Katherine Clark (D-MA)**, and **Congressman Joe Kennedy (D-MA)**. In addition to discussing NAPO's mission and our support of the Justice and Mental Health Collaboration Act (outlined above), the following topics were discussed with each of the staffers:

Community Oriented Policing Services (COPS) Program & Byrne-Justice Assistance Grant (Byrne-JAG) Program: NAPO highlighted the importance of the COPS Program and the Byrne-JAG Program. COPS, together with Byrne-JAG, provide state and local law enforcement with necessary funding to assist their efforts to keep communities safe. NAPO also took the opportunity to request support for the COPS Improvement and Reauthorization Act of 2013.

Bulletproof Vest Partnership (BVP) Grant Program Reauthorization Act: NAPO explained the importance of the BVP Grant Program, which 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 cosponsors for the House and Senate versions of this bill.

The staffers were extremely receptive to the above proposals, and we look forward to working with them on these legislative priorities.

NAPO Attends 2014 Annual Meeting of the Coalition to Preserve Retirement Security

NAPO attended the annual meeting of the Coalition to Preserve Retirement Security on March 3, 2014. The meeting focused on mandatory Social Security participation and the Social Security Fairness Act.

NAPO supports a long-term solution to Social Security, so long as such a solution does not mandate that all or some state and local government employees, including newly hired ones and their employing agencies, be required to pay Social Security taxes. Adding presently non-covered public safety workers will not fix the basic problems of Social Security. While it will bring new workers into the Social Security system, the system will also have to assume a liability for these new workers, which will eventually have to be paid.

Moreover, even if Social Security taxes were limited to new hires, the likely consequences of mandatory Social Security taxes, including reduced benefits, lower salaries, or frozen cost-of-living increases, would make law enforcement and fire safety work less financially desirable.

Additionally, NAPO has concentrated much effort on garnering support for the Social Security Fairness Act. This bill strikes the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) formulas currently used to calculate Social Security benefits. Both 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” pension. These provisions take hard-earned Social Security dollars out of the hands of retirees or their spouses – money that would otherwise be spent on essential goods and services and bolster the local economy.

NAPO plans to continue to work these issues with the stakeholders present at the meeting. We will keep our members updated on the status of these initiatives.

President’s Budget FY15 Budget Released

The President released his FY15 Budget Request on March 4, 2014. The following includes highlights from the President’s proposal:

- Byrne JAG Formula Program - \$319 million
- Byrne Incentive Grants - \$15 million
- Byrne Innovation Grants – \$30 million
- Second Chance Act Grants - \$115 million
- National Instant Criminal Background Check System - \$5 million
- COPS Hiring Grants - \$222 million

NAPO followed the budget request by joining fellow stakeholders in a meeting with a senior staffer for the Senate Subcommittee on Commerce, Justice, Science, and Related Agencies (Committee on Appropriations). During the meeting, the group stressed the importance of the COPS Program and the Byrne-JAG Program, which provide state and local law enforcement with necessary funding to assist their efforts to keep communities safe.

NAPO will continue to keep our members updated on the appropriations process as it moves forward.

High Court Ruling Affirms LAPD Officers’ Actions

The U.S. Supreme Court ruled in favor of Los Angeles police officers in a key ruling on home searches.

The court ruled 6 to 3 that when occupants of a dwelling disagree on whether they will admit police without a warrant, the objecting occupant must be physically present. The ruling built on a 2006 decision in which the court said the consent of one person was not enough to allow police into a dwelling when another occupant is present and objects.

The rules do not change if police have removed the objector, the court said – precisely what happened after Walter Fernandez was arrested and removed from his home. Fernandez told the LAPD officers that they could not search his home without a warrant. The officers arrested him and took him to the police station, having followed him from the scene of a robbery. They then returned and got permission from a woman living with Fernandez, Roxanne Rojas, to let them look around. The officers found plenty of evidence – enough to earn Fernandez a 14-year prison sentence.

“An occupant who is absent due to a lawful detention or arrest stands in the same shoes as an occupant who is absent for any other reason,” Justice Samuel A. Alito Jr. wrote for the majority. Alito said there was no need for officers to obtain a warrant. When they arrived the first time, having followed Fernandez from the scene of a robbery, Rojas answered the door crying, with a bump on her nose and blood on her hands and shirt.

“Denying someone in Rojas’ position the right to allow the police to enter her home would also show disrespect for her independence,” Alito continued. “Having beaten Rojas, petitioner would bar her from controlling access to her own home until such time as he chose to relent.”

Chief Justice John G. Roberts Jr. and Justices Antonin Scalia, Anthony M. Kennedy, Clarence Thomas, and Stephen G. Breyer joined Justice Alito in the majority ruling.

Source:

"High Court Ruling Affirms LAPD Officers' Actions." *LAPPL*. High Court Ruling Affirms LAPD Officers' Actions, 27 Feb. 2014. Web. 28 Feb. 2014.

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