



The Washington Report

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

December 22, 2015

NAPO Victory! Congress Passes Zadroga Act, 2-Year “Cadillac” Tax Delay

In a huge victory for NAPO and the 9/11 first responder community, Congress passed the James Zadroga 9/11 Health and Compensation Reauthorization Act as part of the fiscal 2016 omnibus appropriations measure (H.R. 2029). After all of our efforts throughout the year, including many meetings with members of Congress, countless lobby days and press conferences, we have secured a 75-year reauthorization of the World Trade Center Health Program and a 5-year, fully-funded reauthorization of the Victims Compensation Fund (VCF). Further, Congress added a provision to the VCF to ensure that all those who have only received 10 percent of their award as of the enactment of this bill will be made whole and receive the full amount of their award. We are thrilled to have accomplished such a significant victory for the law enforcement, firefighters and trade union workers who responded to 9/11 and sacrificed so much for their country.

NAPO thanks all of our members who helped us lobby this bill and we give special thanks to the bill's sponsors in the House and Senate who were true champions for this bill, including Representatives Carolyn Maloney (D-NY), Jerrold Nadler (D-NY) and Peter King (R-NY), and Senators Kirsten Gillibrand (D-NY) and Charles Schumer (D-NY).

In another victory for NAPO, Congress passed a 2-year delay of the excise tax, or “Cadillac” tax, on employer-sponsored health plans, also as part of the omnibus spending measure. While it is not a full repeal of the tax, the delay will help health plans and employers be better prepared for the implementation of the tax and it will allow more time for contract negotiations. The passage of the excise tax delay as part of the omnibus bill signals that there is growing support for fully repealing the measure and our ability to do so may be significantly higher at the end of the two-year delay. NAPO will continue to work with Congress and the Administration over the next two years to fully repeal the tax.

Finally, NAPO has protected the funding levels of our priority Department of Justice (DOJ) and Department of Homeland Security (DHS) state and local law enforcement programs. The omnibus appropriations bill allocates \$187 million for the COPS Hiring program, \$476 million for the Byrne Justice Assistance Grant (Byrne-JAG) program, \$22 million for the Bulletproof Vest Partnership (BVP) program and \$10 million for the Mentally Ill Offender Treatment and Crime Reduction Act. For the DHS grants, the legislation appropriates \$476 million for the State Homeland Security Grant Program and \$600 million for the Urban Area Security Initiative.

These were all hard fought victories and NAPO thanks all of our members who helped us get them accomplished. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Victory! Senate Passes Eric Williams Correctional Officer Protection Act

On December 16th, the Senate gave NAPO another victory before leaving for the remainder of the year by passing the Eric Williams Correctional Officer Protection Act of 2015, sponsored by **Senators Patrick Toomey (R-PA)** and **Bob Casey (D-PA)**. This legislation would protect federal corrections workers by allowing them to carry pepper spray. The bill is named after Eric Williams, a Federal Corrections Officer in Pennsylvania who was brutally killed by an inmate in 2013.

The legislation would make permanent a Federal Bureau of Prisons pilot program that allows correctional workers to carry pepper spray. In addition, it would expand the pepper spray availability to medium and higher security facilities and require federal correctional workers to complete training courses before carrying and using the spray.

NAPO thanks Senators Toomey and Casey for their leadership on this issue and now turns its attention to passing this important legislation in the House in 2016.

If you have any questions about the Eric Williams Correctional Officer Protection Act, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Executive Director Discusses Officer Safety With DOJ Officials

On December 18th, NAPO Executive Director Bill Johnson spoke with COPS Office Director, Ron Davis, and Assistant Attorney General for Office of Justice Programs, Karol Mason, regarding the significant issues currently facing the law enforcement profession. Mr. Johnson yet again brought up NAPO's request for greater emphasis on officer safety, including the promotion of two person units, and they were very candid about the poor perception of the Department of Justice (DOJ) and the Administration by the rank-and-file men and women who are actually out patrolling our streets.

Mr. Johnson reiterated to Assistant AG Mason and Director Davis NAPO's positions on improving officer safety that have been shared with Director Davis and the DOJ numerous times. NAPO strongly believes that the COPS Office should prioritize for funding recipients who will institute a policy of two person units for all patrol shifts and patrol assignments rather than focusing its grants "procedural justice", "police legitimacy" and "collaborative reform" programs.

While putting two officers in each patrol car, on each beat, etc., will not prevent all attacks, as the assassination of Officers Ramos and Liu in New York City makes clear, it will deter many and thwart others that might still be attempted. Mr. Johnson made clear to Assistant AG Mason and Director Davis that the federal funds earmarked for state and local police use cannot be put to any better use than this immediate and practical way of ensuring greater officer safety and survivability in the face of an escalating war on police.

Mr. Johnson urged Assistant AG Mason and Director Davis to take NAPO's concerns and suggestions on the issue of officer safety seriously. The Administration cannot just pay lip service to our nation's law enforcement and must back-up its statements of support with actions.

NAPO will continue to engage the Administration and members of Congress to ensure our officers' voices are heard loud and clear, and they receive the protection they need.

If you have any questions about this meeting or NAPO's engagement with the Administration around these issues, please contact Bill Johnson at bjohnson@napo.org.

NAPO in the News

NAPO was recognized in *The Hill* magazine as responsible for one of what they call the "Top Ten Lobbying Victories" of 2015. NAPO is recognized for its work on the James Zadroga 9/11 Health and Compensation Reauthorization Act, and continuing health care coverage for 9/11 responders and survivors. This Act is named for NAPO member and 9/11 victim James Zadroga of the New York Police Department.

The list includes other major legislative efforts of 2015, such as the Iran nuclear deal, national security reforms, and the Keystone XL pipeline, so to be included in that class of major national efforts and lobbyists is quite something for our association.

The full article can be found at: <http://thehill.com/business-a-lobbying/business-a-lobbying/263354-lobbying-victories-of-2015>

Puerto Rico Assistance Act and New Public Pension Requirements Excluded from Omnibus

In a victory for NAPO, a bill imposing new public pension requirements that NAPO opposes was excluded from the omnibus appropriations measure. The Puerto Rico Assistance Act, introduced by Senator Orrin Hatch (R-UT), would provide assistance to the financially struggling Puerto Rico and includes unrelated public pension requirements, specifically, the Public Employee Pension Transparency Act and the Secure Annuities for Employees Act.

On December 11th, NAPO and other members of the Public Pension Network wrote a [letter](#) and communicated to members of Congress our strong opposition to the public pension requirements contained in Puerto Rico Assistance Act. These provisions are not limited to the territory of Puerto Rico, nor do they protect benefits, save costs or improve retirement system funding. They are an inappropriate federal intrusion into areas that are the fiscal responsibility of sovereign States and local governments, and are conflicting, administratively burdensome and costly.

NAPO thanks our members in Iowa, Texas, Ohio and Nevada who helped us get these provisions excluded from the final omnibus bill. This is only a temporary victory as leaders from both parties have vowed to address Puerto Rico assistance early next year, so we still need to fight to delink state and local public pension proposals from that effort.

If you have any questions please contact Andy Edmiston at aedmiston@napo.org or Bill Johnson at bjohnson@napo.org.

NAPO Priorities: Year-End Review

In addition to NAPO's end of year victories outlined above, NAPO had a very successful year in moving our legislative and legal priorities. These wins are highlighted below in our year-end review.

NAPO Priority Legislation Signed into Law

- **Don't Tax Our Fallen Public Safety Heroes Act:** This bill 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. This legislation ensures 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.
- **Rafael Ramos and Wenjian Liu National Blue Alert Act:** This bill assists with the establishment of a nationwide Blue Alert system to apprehend violent criminals who have injured or killed police officers or who have made an imminent or credible threat to cause serious injury or death of a law enforcement officer. This bill is named in honor of two New York City Police Officers, and NAPO members, who were assassinated while sitting in their police patrol car in December 2014. Their killer posted threats to law enforcement on social media before the attack. Implementing a nationwide Blue Alert system will help to ensure that information on credible threats, like those posted by the individual who killed Officers Ramos and Liu, is widely disseminated so that officers have advanced warning, and can apprehend the criminal before he or she can do more harm.
- **Slain Officer Family Support Act of 2015.** This legislation extended the tax deadline so that individuals making charitable donations for the families of assassinated New York Police Department Officers Wenjian Liu and Rafael Ramos were able to apply such tax deductions to their 2014 tax return.
- **Justice for Victims of Trafficking Act.** This legislation provides much needed services to domestic trafficking victims and helps to ensure that child victims ensnared in the sex trade are no longer arrested and treated as criminals. This legislation also boosts support for and protection of victims of human trafficking by increasing law enforcement resources, enhancing victims' services, and increasing penalties in an effort to combat child sex trafficking, child pornography, sexual exploitation, and human trafficking.

NAPO Priority Legislation Passed by Congress

- **Bulletproof Vest Partnership Grant Program Reauthorization Act.** This bill passed the Senate by unanimous consent on May 6, 2015, and would extend the authorization of the Bulletproof Vest Partnership (BVP) Grant Program through fiscal year 2020, and ensure that America's law enforcement officers are provided with the life-saving protection they need. NAPO is now focusing its attention on getting this important legislation passed by the House.
- **Comprehensive Justice and Mental Health Act.** On December 10, 2015, the Senate passed this legislation, which would make our communities safer by improving access to mental health services

for people in the criminal justice system who need treatment. It would also help reduce the rates of repeat offenders and increase safety for law enforcement officers. The House Judiciary Committee is looking to take up this and similar mental health legislation in the beginning of next year.

- **Stop Advertising Victims of Exploitation (SAVE) Act of 2015.** The House passed this legislation on January 27, 2015. It would allow the federal government to prosecute individuals who profit by victimizing children. NAPO will continue to strongly support efforts to combat trafficking in the United States.
- **Fallen Heroes Flag Act of 2015.** This bill passed the House on May 12, 2015. It would allow members of Congress to honor a deceased law enforcement officer, firefighter, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty by providing the family, at their request, a Capitol-flown flag. The flag would be accompanied by a certificate expressing a message of sympathy, signed by the Speaker of the House and the Representative providing the flag.

NAPO Supreme Court Victory

- On November 9th, the U.S. Supreme Court issued an order in a case where NAPO was an amicus curiae, or “friend of the court”. The case is titled *Mullenix v. Luna*, and arose from the use of deadly force by a Texas Department of Public Safety officer upon a fleeing suspect in a motor vehicle. The suspect was hit by rifle fire, killing him. The issue in front of the court was whether the officer could be sued in a civil rights case, or whether the officer enjoyed immunity from the prosecution of such a suit.

In a big victory for NAPO’s position, the Court ordered that the officer is in fact entitled to immunity from the civil suit. This case is important because the Supreme Court is emphasizing that trial courts should not be second guessing officers’ decisions made in the challenges of the moment, and that officers don’t have to be perfect, or be forced by judges to choose what judges years later feel they ought to have chosen.

NAPO will build off of the incredible momentum we gained in 2015 and continue to move our priority legislation and issues forward in 2016. We expect to have many more victories before the end of the 114th Congress.

REMINDERS

TOP COPS Nominations are due January 12th! NAPO’s 28th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar is January 24th-26th! See below for more details.

***NAPO wishes you and your loved ones a happy holiday
and we look forward to working with you in the new year!***

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.

Register Today!

NAPO's 28th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar

Caesar's Palace, Las Vegas, Nevada
January 24-26, 2016

NAPO's Pension & Benefits Seminar 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 attached brochure and fax to NAPO at (703)684 – 0515.

Don't forget to reserve your hotel rooms at Caesars Palace. **Reservations must be made by December 30th** in order to receive NAPO's discounted rate! Make reservations on line at <https://resweb.passkey.com/go/SCAPB6> and save an additional \$15.00!!

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.



Don't let your TOP COPS[®] nominations get lost in the holiday shuffle! **The January 12th deadline for nominations will be here before you know it.**

We ask that you help get the TOP COPS[®] nomination form out to officers nationwide today. Please assist us in reaching our goal to see all 50 states represented with a nominee by posting the [nomination form](#) on your website, in your office or department, or anywhere else you find it appropriate. As always, if you have any questions, please do not hesitate to contact us at (800) 322-6276.

2016 will mark the twenty-second year NAPO has hosted the TOP COPS Awards[®]. With your help and partnership, TOP COPS[®] will be a tremendous success.

The TOP COPS Awards[®] Reception and Dinner will take place Saturday, May 14, 2016, at the JW Marriott Hotel, again coinciding with National Police Week. Thank you in advance for your support.