



# The Washington Report

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

June 18, 2018

## Please Help Sponsor an Event at the NAPO Convention

NAPO's 40<sup>th</sup> Annual Convention in San Diego, California is quickly approaching. We are busy planning what is sure to be a fantastic convention. We would like to ask that member organizations please consider contributing \$500 - \$1000 towards the cost of the convention. Signs will be displayed at the events to recognize our generous sponsors. It would be incredibly helpful to NAPO if all of us pitch in as we are able. If your organization would like to help sponsor an event, please return the [attached form](#) and payment to NAPO by **June 29, 2018**.

Thank you in advance for helping to make NAPO's 40<sup>th</sup> Annual Convention a success!

Sincerely,

Michael McHale, President

Bill Johnson, Executive Director

## NAPO's Executive Director Defends Phoenix Officer's Use of Force at Press Conference

On June 5, NAPO Executive Director Bill Johnson joined Phoenix Law Enforcement Association (PLEA) President Ken Crane, Arizona Police Association President Justin Harris and Executive Director Joe Clure, and other representatives of Arizona law enforcement in a press conference regarding Phoenix Police Chief Jeri Williams' decision to discipline an officer for firing his weapon at a violent suspect who was pointing a gun at the officer.

The suspect, Jesus Parra Burgos, wanted on several felony charges, had carjacked a car and led Phoenix officers on a car chase. During the chase, Burgos' car passed in front of Officer Jaime Robles' marked patrol vehicle, slowed down and pointed a handgun out the drivers' side window at Officer Robles. Officer Robles, boxed in, shot through his windshield at Burgos, hitting the suspect's stolen vehicle. Phoenix officers eventually trapped Burgos and apprehended him without further use of force. For his actions, Chief Williams recommended that Officer Robles be suspended.

Johnson echoed Crane's and Harris' comments that Chief Williams' actions will result in officers second guessing themselves in dangerous situations, putting themselves and the community at risk. There is no evidence that Officer Robles violated any law or Department policy (in fact, the officer was cleared by the County Prosecutor) and this decision is an example of Chief Williams not supporting her rank-and-file officers.

In his remarks, Johnson stated, "Make no mistake, the consequences of Chief Williams' ill-advised treatment of Officer Robles are certain and they are foreseeable. If police officers in Phoenix are to be punished for firing their weapon at a violent carjacker who is pointing a gun at them, then two things will happen: one, criminals will be encouraged to become even more violent and aggressive than they already are; and two, officers will hesitate to protect themselves and others, even when they are clearly not only justified but expected to use force in defense of self and others."

Johnson went on to discuss the National Consensus Policy on the Use of Force by Police, issued by the International Association of Chiefs of Police, which was the result of months of effort by chiefs, sheriffs, rank-and-file leaders, including NAPO, instructors, academics and experts from all over our country:

"...The national policy rests on our Constitution and binding Supreme Court cases that define and shape what officers can and cannot do. The policy explicitly follows the Constitutional requirements in governing use of force by officers, and those requirements have been clearly understood for more than 50 years, since a 1960's Supreme Court case called *Tennessee v Garner*, which held that our Fourth Amendment applies to situations where an officer uses force, and that what the Constitution requires is that an officer act reasonably (not perfectly, but reasonably) in the situation, given the circumstances as he or she *believed* them to be *at the time*.

Our courts across the United States, including the Supreme Court, have *never* deviated from this Constitutional standard – in the 1980's case of *Graham v. Connor*, and up to today, in the 2015 case of *Mullenix v. Luna* (which actually involved an officer firing at a vehicle driven by a fleeing suspect). The standard by which to evaluate an officer's actions is one of reasonableness. Not 20-20 hindsight. Not how any given Chief might have wished it to be. And not what Chiefs or inexperienced panelists imagine they would have done.

The sole focus is what the officer on the scene actually did do and the sole criterion is whether those actions were reasonable under the circumstances as that officer believed them to be at the time. Which forces us to confront the question that Chief Williams' actions raise. Since when is it unreasonable for an officer to fire at someone pointing a gun at him? That's all this case really boils down to."

The full press conference can be viewed [here](#). Johnson begins to speak at approximately 24 minutes into the video.

[AZCentral.com](#) covered the press conference in [this news article](#) entitled, "Phoenix police union renews criticism of Chief Jeri Williams".

## **NAPO Victory! Congress Passes Project Safe Neighborhoods**

On June 18, in a victory for NAPO, the President signed into law the Project Safe Neighborhoods Grant Program Authorization Act (H.R. 3249 / S. 2703), sponsored by Senators John Cornyn (R-Texas) and Gary Peters (D-MI) and Congresswoman Barbara Comstock (R-VA). Project Safe Neighborhoods (PSN), has brought together federal, state and local law enforcement agencies to target violent gang and gun crimes in our communities since its inception in 2001. After years of underutilization, NAPO stood with Attorney General Sessions when he announced the relaunch of this important program in October 2017 as a key part of the Department's efforts to reduce violent crime by providing more resources and support to state and local law enforcement and ensuring those resources meet local needs.

Although it has received funding throughout the years, PSN has never been authorized by Congress, making it susceptible to elimination. It is important that this program be explicitly authorized by Congress to ensure that it remains a resource on which state and local law enforcement can rely. PSN has funded evidenced-based and data-driven programs to fight gangs and violent crimes in our communities such as targeted police patrols to school and community intervention programs. The Project Safe Neighborhoods Grant Program Authorization Act authorizes this vital program at \$50 million per year, ensuring that state and local law enforcement can continue to fight gang and firearms-related violent crimes in our cities and our communities in the most efficient and effective manner.

The authorization of PSN was a priority for NAPO and we thank Senators Cornyn and Peters and Congresswoman Comstock for their strong support for this important program.

## **Join Us at NAPO's 40<sup>th</sup> Annual Convention San Diego ~ July 13-17, 2018**

***Time is running out! Be Sure to Register Today!***

**NAPO's 40<sup>th</sup> Annual Convention will take place July 13 – 17, 2018 in San Diego at the Manchester Grand Hyatt. We have an incredible week planned for all – informative speakers, timely topics and exciting social events!**

**The convention registration brochure is attached. Online registration and convention information is also available on NAPO's website at [www.napo.org](http://www.napo.org) under the "Events" tab at the top of the homepage. If you have any questions or need additional information please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger at [elorange@napo.org](mailto:elorange@napo.org) or (703) 549-0775.**

**June 30<sup>th</sup> is the last day to register without incurring late fees!**

## **NAPO Endorses Making Disability Compensation Permanently Tax-Free**

NAPO has pledged our support for the Putting Our First Responders First Act (H.R. 5860), sponsored by Congressman Ralph Norman, which will codify the 1985 IRS Revenue Ruling 85-105 that clarified that service-connected disability compensation for first responders is tax-exempt. Unfortunately, many auditors and first responders are not aware of this tax benefit and the first responders, who gave up so much in the line of duty, end up paying the tax unnecessarily. By making the Revenue Ruling a federal statute, the Putting Our First Responders First Act would illuminate the ruling and help ensure first responders' injury-related compensation is tax-exempt.

Importantly, this legislation makes the tax-exempt status of the compensation permanent. Currently, injury-related compensation becomes taxable once the first responder reaches their original retirement age, which places a large financial burden on officers who have been living on a limited income. Providing permanent tax relief for those who were disabled serving their country and communities is the right thing to do to honor their sacrifice.

NAPO has fought to ensure that federal, state and local death benefits to survivors of law enforcement officers are tax-free and we wholly support this effort to make certain line-of-duty disability compensation is permanently

tax-free as well. We thank Congressman Norman for his support of the public safety community and his leadership on this issue.

## **NAPO Victory! House Passes Bills to Combat Synthetic Drugs**

In another win for NAPO, the House passed two NAPO-supported bills that address the growing opioid crisis, which threatens our youth and our country as a whole.

The first bill, the Synthetic Drug Awareness Act (H.R. 449), sponsored by Congressman Hakeem Jeffries (D-NY), passed the House unanimously on June 12. This bill would require the Surgeon General to submit a report to Congress on the effects the increased use of synthetic drugs by children ages 12-18 years old has had on public health since January 2010. The Surgeon General report is intended to educate Congress and the public so that lawmakers can adequately address the growing issue of the abuse of synthetic drugs by our nation's youth.

The second bill, the Stop the Importation and Trafficking of Synthetic Analogues (SITSA) Act, sponsored by Congressman John Katko (R-NY), addresses the issue of illegal drug traffickers' and importers' ability circumvent the current scheduling of drugs by minutely changing the formula of a synthetic drug, creating a new substance that is technically lawful, but still highly dangerous and deadly. The SITSA Act would create an additional schedule – Schedule A – to the Controlled Substances Act to address substances that are significantly similar in chemical composition to and just as addictive and unsafe to the human body as already controlled substances. It would also allow the Attorney General to temporarily or permanently add a drug that meets certain criteria to Schedule A, allowing the government to quickly respond and control these synthetic analogues.

During consideration of the SITSA Act, the House adopted the language of the Synthetic Abuse and Labeling of Toxic Substances (SALTS) Act as an amendment to the bill. NAPO endorsed the SALTS Act as it gives prosecutors another tool to help prosecute the sale and distribution of synthetic drugs. While taking these drugs, individuals can experience elevated heart rates and blood pressure, hallucinations, seizures, and extreme agitation. There have been reports from states around the country of people acting violently while under the influence of these drugs, leading to deaths or injuries to themselves and others. Unfortunately, current law makes it difficult to prosecute new synthetic drugs as analogues because they are often labeled “not intended for human consumption” despite their well-known use as recreational drugs with dangerous side effects.

By making it easier to prove that synthetic drugs are intended for human consumption and thus easier to prosecute, the SALTS Act would help law enforcement in their efforts to get these drugs off the streets and out of stores.

According to the National Institute on Drug Abuse, more than 64,000 Americans died from drug overdoses in 2016 and opioids were involved in over 42,000 of those deaths. Many of these deaths were from using synthetic analogues of fentanyl. The passage of the Synthetic Drug Awareness Act, the SITSA Act and the SALTS Act will give law enforcement vital resources to help in their efforts to stop the usage, sale, distribution, trafficking and importation of these drugs into the country.

## **NAPO Supports Bill to Track Officer Line-of-Duty Injuries**

NAPO endorsed the Helping Extend Responding Officers Expansive Support (HEROES) Act (S. 2878), sponsored by Senators Lindsey Graham (R-SC), Sheldon Whitehouse (D-RI) and Chris Coons (D-DE), which aims to get a better understanding of the impact of line of duty injuries on law enforcement officers.

This bill is important because there is a serious and growing trend of attack on officers, both in violent ambushes and in assaults while performing their duties. While officer line of duty deaths are thoroughly accounted for, there is no comprehensive data on officer injuries so we are unable to get a complete picture of the dangers and risks

of the job and what officers endure in the line of duty. The HEROES Act will rectify this by requiring the Attorney General to operate a central clearing house under the FBI's Uniformed Crime Report (UCR) on data of law enforcement officers who, in the line of duty, were feloniously injured, accidentally injured, feloniously assaulted or severely and permanently disabled.

The bill goes further and takes a look at the long-term tolls a catastrophic line of duty injury has on an officer, specifically the financial burden incurred by a lifetime of medical costs for an officer disabled in the line of duty. The data collected by the HEROES Act would give us a full and clear picture of the impact of line of duty injuries on officers and a better ability to ensure they have the resources and support they need to not only stay safe on the job, but if permanently disabled, maintain financial stability. Lastly, the bill ensures any officer killed or catastrophically disabled in the line of duty is eligible for the PSOB benefit no matter when his death or injury occurred.

NAPO thanks Senators Graham, Whitehouse and Coons for their support and we look forward to working with them to increase federal resources to help ensure the long-term care needs of disabled law enforcement officers are met.

## House and Senate Move on FY 19 DOJ Spending Measure

The House and Senate Appropriators are making their way through the Fiscal 2019 spending measures in the hopes of completing the appropriations process before the September 30, 2018 deadline. Over the past several weeks, the House and Senate Appropriations Committees took up and approved their own versions of the Fiscal 2019 Commerce, Justice, Science and Related Agencies (CJS) spending bill. Both bills are strong on NAPO priority Department of Justice law enforcement grant programs.

Unlike previous fiscal years, House appropriators did not choose to zero out the Community Oriented Policing Services (COPS) Hiring Program, allotting \$225.5 million for the program, while the Senate CJS bill includes \$235 million for it. These allotments keep the COPS Hiring Program at the same level or higher than it has been funded in previous fiscal years, which is a big victory for law enforcement. The Byrne Justice Assistance Grant (Byrne JAG) Program also fared well in both the Senate and House appropriations, with the Senate Committee approving \$445 million for it and the House \$441 million. However, the House appropriators included several carve-outs under Byrne-JAG, including the VALOR Program and Project Safe Neighborhoods, decreasing the overall total awarded to the program.

Additional FY 19 State and Local Law Enforcement Assistance Programs:

<b><u>Grant Program</u></b>	<b><u>House</u></b>	<b><u>Senate</u></b>
Project Safe Neighborhoods	\$50 million	\$50 million
Bulletproof Vest Partnership	\$22.5 million	\$25 million
Mentally Ill Offender Treatment & Crime Reduction Act (MIOTCRA)	\$30 million	\$32.5 million
Body Worn Camera	\$22.5 million	\$22.5 million
STOP School Violence Act	\$100 million	\$100 million
Adam Walsh Act	\$20 million	\$20 million
Active Shooter Training	\$20 million	\$10 million
VALOR	\$12 million	\$15 million

Further, in another win for law enforcement, both bills reject the President's proposal to remove the High Intensity Drug Trafficking Area (HIDTA) Program and the Drug Free Communities Program out from under the Office of National Drug Control Policy (ONCDP), a proposal that NAPO strongly opposed.

House and Senate leadership are hoping to have a majority of the FY 19 appropriations completed by August recess in order to have the entire process wrapped up by the end of this fiscal year. We will keep our members up to date as to when the House and Senate will take up the CJS Appropriations bill and the final appropriations levels for our priority grant programs.

If you have any questions about the above-mentioned grant programs, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO's Latest Legislative Positions & Sponsor/Cosponsor Updates**

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link:

<http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link:

<http://www.napo.org/washington-report/legislative-priorities/>

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO will update this spreadsheet regularly and continue to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andy Edmiston at: [aedmiston@napo.org](mailto:aedmiston@napo.org).

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