



The Washington Report

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

June 18, 2017

Push for Independent Prosecutors for Cases of Police Use of Deadly Force

Congressman Steve Cohen (D-TN) has reintroduced the Police Training and Independent Review Act, H.R. 1870, which would incentivize states to adopt laws requiring independent investigations and prosecutions of law enforcement officers in cases where one or more of the alleged offenses involve an officer's use of deadly force in the course of carrying out his or her official duties. The incentives are penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program - a critical resource for law enforcement. This legislation has the potential to jeopardize public safety through Byrne JAG penalties.

NAPO opposes this legislation and has let Congressman Cohen's staff know of our serious concerns. In addition to the Byrne JAG penalties, we fear that an independent prosecutor would be under a great deal of pressure to justify his or her work. There is a risk that decisions to prosecute would be made based on politics, not on the law and admissible evidence. NAPO is concerned that an officer would be indicted, even if he or she did nothing wrong.

There was a push to pass the Police Training and Independent Review Act last Congress as part of an effort to reform the criminal justice system. However, given Attorney General Sessions' views on sentencing and corrections reform, it is uncertain if the Republican-controlled Congress will move much pertaining to criminal justice reform anytime soon. This bill does have significant Democratic support and was introduced with 99 original cosponsors, so it is not a bill we can ignore. NAPO will work to ensure that the Police Training and Independent Review Act stays in committee and does not move forward.

NAPO will continue to closely monitor this legislation as well as the other bills aiming to reform the criminal justice system and will keep our members updated as these issues move forward. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Victory! Senate Passes Reauthorization of Internet Crimes Against Children Task Force Program

In a victory for NAPO, the Senate passed the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to (PROTECT) Our Children Act of 2017 by unanimous consent on June 15th. This legislation, sponsored by Senators John Cornyn (R-TX) and Richard Blumenthal (D-CT), reauthorizes the Internet Crimes Against Children Task Force Program, which is a national network of 61 coordinated task forces representing over 3,500

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federal, state, and local law enforcement and prosecutorial agencies. These agencies are continually engaged in proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation involving the internet.

Additionally, these task forces provide forensic and investigative technical assistance to law enforcement and prosecutors as well as provide community education information to parents, educators, prosecutors, law enforcement, and others concerned with child exploitation.

NAPO is now working with to move this important bill directly to the House floor for a vote.

NAPO Calls on Senate to Repeal “Cadillac” Tax

Much to NAPO’s disappointment, after years of bipartisan Congressional support for the repeal of the 40 percent excise (“Cadillac”) tax on employer-sponsored health plans, the House-passed American Health Care Act (H.R. 1628) only delays the implementation of the tax until 2025 and does not repeal it. The American Health Care Act is the Republican’s bill to repeal the Affordable Care Act (“Obamacare”). It was one of only a few of the many taxes created by Obamacare that the House decided to keep. The Senate is currently working on its version of the American Health Care Act and has set the goal of voting on the bill before June 30th.

NAPO sent [a letter](#) to Senate Finance Committee Chairman Orrin Hatch (R-UT), who is responsible for working on the tax provisions of the repeal legislation, urging him to include the full repeal of the tax.

Although the Affordable Care Act sets higher thresholds for the excise tax for workers in high risk professions, such as public safety officers (\$11,850 for an individual and \$30,950 for a family), to qualify for the higher threshold amounts, the majority of members in the healthcare plan must work in high risk professions. Many public safety officers would not qualify for the higher threshold amounts, as they participate in general healthcare plans where the majority of participants do not work in high risk professions.

The higher thresholds set for public safety officers thus will not adequately protect officers from the tax burden, as thousands of officers participate in plans that include a majority of employees who do not work in high risk professions.

Further, according to the American Health Police Institute, the excise tax thresholds, which increase over time for inflation only as measured by the Consumer Price Index and not historically higher medical cost inflation, will impact “average plan[s]” by 2031. The higher thresholds for individuals engaged in high-risk professions will not protect our plans from being affected.

An [October 2015 American Health Policy Institute report](#) that found that **almost 90% of large employers**, including state, county and city governments, are already taking steps to no longer offer health plans that would trigger the tax. The report also found that:

- More than 30% of large employers said that they would have at least one plan impacted by the tax and almost half of employers who would not have plan impacted by 2018 said they would have a plan impacted by 2023.
- About 19% of employers were already curtailing or eliminating employee contributions to flexible spending accounts, and 13% were doing the same to health savings accounts.
- 71% of employers planning to reduce their plan values said they most likely would not provide a corresponding wage increase.

Delaying the excise tax until 2025 will not provide relief to the public safety officers who will be negatively impacted by the tax whether it goes into effect in 2020 or 2025. The excise tax is not just a tax on health plans; it

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is a loss of earned wages and benefits. NAPO is urging Senate leadership to include in their version of the American Health Care Act a full repeal the 40 percent excise tax on employer-sponsored health plans.

In addition to our efforts around the American Health Care Act, NAPO continues to support and push for the passage of the Middle Class Health Benefits Tax Repeal Act of 2017 (H.R. 173 / S. 58). If you have any questions about the “Cadillac” tax or NAPO’s efforts to repeal it, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Opposes Police Data Legislation

NAPO has come out in opposition to the Police Reporting Information, Data, and Evidence (PRIDE) Act of 2017, H.R. 2676, sponsored by Congressman Joaquin Castro (D-TX). This legislation would require States to report to the Attorney General certain information regarding use of force incidents involving law enforcement officers and civilians. While we appreciate that this police data legislation includes the reporting of data on uses of force against officers, which is currently not uniformly collected, we have significant concerns with other provisions of the bill.

NAPO is concerned that the PRIDE Act pursues its goals through penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program - critical resource for law enforcement. The Byrne JAG Program provides resources for multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment courts. Losing access to a percentage of this funding will undermine law enforcement’s mission to keep the public safe.

Additionally, NAPO is concerned with the requirement that a State must compare the information compiled in its report to the Attorney General to open source data records or be considered out of compliance and suffer Byrne JAG penalties. This comparison to open source data is unnecessary and burdensome, particularly to small police departments with limited available manpower. It also indicates an underlying distrust of police that the original report is not sufficient.

NAPO has informed Congressman Castro of our opposition to the bill in its current form and hope that he strongly considers our concerns.

NAPO on the Hill: Kelsey Smith Act

On June 13th, NAPO met with staff of **Senator Pat Roberts (R-KS)** and **Congressman Kevin Yoder (R-KS)** as well as Greg and Melissa Smith, the parents of Kelsey Smith, who was tragically abducted and murdered in June 2007. The meeting was about the reintroduction of the Kelsey Smith Act, which would require telecommunications companies to give law enforcement information about the location of a subscriber’s phone when there is an emergency involving the risk of death or serious physical injury. While current law does not prohibit these companies from giving location information to police in emergencies, it does not require them to do so and there is no uniform standard in the industry for responding to such requests.

In the case of Kelsey Smith, it took Verizon four days after the initial emergency request to give law enforcement the geographic coordinates of Kelsey’s phone. After the information was received, it only took 45 minutes for law enforcement to find her body. Unfortunately, the Kelsey Smith case is not uncommon. Problems with service provider responsiveness to law enforcement requests are real and widespread.

Given that privacy is currently a hot button issue in Congress, especially with the passage of the Email Privacy Act in the House earlier this year despite law enforcement opposition, Senator Roberts and Congressman Yoder must do a balancing act if they want this legislation to pass. NAPO, together with other law enforcement

organizations, are working with the staff and Mr. and Mrs. Smith to ensure that law enforcement investigations will be helped and not hampered by any privacy protections and notification requirements that are included in the bill to appease civil liberty organizations.

Twenty-three states have passed their own versions of the Kelsey Smith Act, thanks to the dedication and hard work of Mr. and Mrs. Smith. NAPO is working to ensure that Congress passes a federal minimum standard for telecommunications companies to respond to law enforcement emergency geolocation requests so that law enforcement in every state across the country has speedy access to this vital information in emergency situations.

If you have any questions about the specifics of this legislation, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Attends Criminal Justice Brown Bag

On June 12th, NAPO attended the monthly National Criminal Justice Association (NCJA) Brown Bag meeting. Senior staffers for **Senate Judiciary Committee Ranking Member Dianne Feinstein (D-CA)** and Committee member **Senator Sheldon Whitehouse (D-RI)** attended the meeting and spoke on the agenda for the Committee from the minority perspective.

The Committee continues to be occupied with nominations and confirmation hearings, as well as the Russia investigation, leaving little room to move and pass legislation. Given the often-contentious nature of the nominations, Committee Chairman Chuck Grassley (R-IA) is only allowing bipartisan legislation that has the support of a majority of Committee members to be marked up. Minority staff stated that the next legislation to be taken up by the Committee are two bipartisan anti-human trafficking bills, including the NAPO-supported Abolish Human Trafficking Act (S. 1311). These bills are scheduled for markup on June 22nd.

Senate Democrats on the Committee are also still dedicated to moving criminal justice reform legislation and believe that the Chairman is also interested in moving such legislation. The Sentencing Reform and Corrections Act, which NAPO had some serious concerns with last Congress, has not yet been reintroduced and there is no concrete strategy to pass criminal justice reform given the mixed signals coming out of the Administration on the issue. Attorney General Sessions strongly opposed the legislation as a Senator and member of the Committee and he continues his opposition to sentencing and correction reform. It has been said that Jared Kushner, President Trump's son-in-law and senior advisor, is interested in pursuing criminal justice reform and has had conversations with individual Senators and Members of Congress on the issue, but it has not gone much farther than that.

NAPO continues to work with both the majority and minority members of the Committee to move what legislation we can while it is preoccupied with nominations. We will stay on top of any efforts to reintroduce criminal justice reform and will keep our members updated on any developments. We look forward to seeing the Committee take up and approve the Abolish Human Trafficking Act on June 22nd.

If you have any questions about our work with the Senate Judiciary Committee, please contact Andy Edmiston at aedmiston@napo.org.

Join NAPO for Our 39th Annual Convention and Consider Becoming a Law Enforcement Sponsor

NAPO's 39th Annual Convention July 22-25, 2017, in New York City is quickly approaching. In conjunction with the Patrolmen's Benevolent Association of NYC and NAPO's many New York & New Jersey member groups, 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. **If your organization would like to help sponsor an event, please return [this form](#) and payment to NAPO by July 3, 2017.**

If you have not yet registered to join us at our 39th Annual Convention, *please do so by July 9th*. **Please complete the [registration form](#) and mail it with payment to the NAPO office. Registrations may also be emailed to registrations@napo.org or faxed to (703) 684-0515.** Registrations received July 10 – July 20 will be charged a late registration fee of \$50. Registrations received after July 20 and on-site are discouraged; however, if you are unable to register in advance, you may do so on-site for an additional \$100 per person. Registration fees include the cost of convention materials, special events and food functions. Only registered individuals may attend convention events. Spouses, guests, and children must register if they wish to attend any convention events.

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