



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

May 22, 2020

House Passes CARES 2 Stimulus Bill

The House passed the Democrats' next COVID-19 stimulus proposal, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, H.R. 6800, on May 15 by a vote of 208-199. Congressman Peter King (R-NY) was the only Republican to vote in favor of the bill, which the President threatened to veto and Senate Republicans do not support. This bill is the Democrats' starting point for negotiations on the next phase of coronavirus relief and they hope with its passage, it will pressure Republicans and the White House to come to the table to move the next round of aid quickly. Several NAPO priorities are reflected in the HEROES Act, including:

- The Public Safety Officer Pandemic Response Act (H.R. 6509) was included to provide a Public Safety Officer Benefits (PSOB) death and disability presumption for officers who contract COVID-19.
- The Supporting America's First Responders Act (H.R. 5342) was included to provide an above-the-line deduction to first responders for expenses related to training or uniforms costs. Language was included to temporarily allow this deduction to apply to supplies and equipment, to allow for PPE purchases.
- \$300 million for Community Oriented Policing Services (COPS) grants for the hiring and retention of police officers, with cost-share requirements removed.
- Additional \$300 million for the Coronavirus Emergency Supplemental Fund (CESF) through the Bureau of Justice Assistance, with cost-share requirements removed and language added to allow the funds to be used to supplant local funding.
- Additional \$1.3 billion to FEMA, with language explicitly allowing Stafford Act Public Assistance Funds to be used for PPE and for backfilling first responder personnel costs.
- Eliminates the state and local tax (SALT) deduction cap for tax years 2020 and 2021.
- Eliminates provisions that allow employers of emergency responders the ability to exclude their employees from emergency sick and FMLA leave. Also, removes the exclusion disallowing the paid sick and family leave credits enacted in the Families First Coronavirus Response Act (FFCRA) for Federal, state, and local governments. This ensures police departments are eligible for leave credits for first responders taking paid sick leave under the FFCRA.
- \$500B for state fiscal relief and \$375B for local fiscal relief, to be granted over two years. The funding is flexible and can be used to offset revenue and budget holes created by the coronavirus pandemic.
- Creates a \$200 billion grant program for employers to provide hazard pay for employees, including first responders.

NAPO is grateful to House Majority leadership for listening to the needs of the law enforcement community by including these priorities. NAPO is communicating with House and Senate staff to ensure these provisions remain in the final negotiated version of the HEROES Act. We worked with Senators Chris Coons (D-DE) and Susan Collins (R-NH), Co-Chairs of the Senate Law Enforcement and Fire Caucuses, on [a letter to Senate leadership](#), similar to the one that we worked on in the House, highlighting our priorities and urging support for first responders in the next stimulus package.

Until we are able to secure additional funding, it is important to note that the \$850 million appropriated through the [Coronavirus Emergency Supplemental Fund \(CESF\)](#) can be used to reimburse for the costs of PPE, overtime, additional COVID-related sick leave and hazard pay. It can also be used for the hiring and rehiring of officers. There is still funding available through the CESF. The FEMA Disaster Assistance Fund and the [FEMA Public Assistance Program](#) can currently be used to cover some of these costs as well. The State Administering Agency must apply for the FEMA funds.

While the White House has indicated it is on board with another stimulus bill with certain conditions, Republican Leadership in the House and Senate do not believe it is necessary at this moment and if they do take one up, it will be through regular order. We are working with both House and Senate staff to ensure all parties understand and support these pressing issues and the importance of getting additional aid out as quickly as possible.

NAPO Pushing for Direct Funding to State and Local Governments

Many of NAPO's priorities for the next coronavirus relief package included in the HEROES Act have broad bipartisan support, including the establishment of a presumption under PSOB that all COVID-19 related death and disability claims are in the line of duty and additional resources to help departments cover COVID-19 related sick and administrative leave, overtime costs and hazard pay. The biggest hurdles will be maintaining the two-year elimination of the SALT deduction cap and the restriction-free direct funding to state and local governments to offset revenue and budget holes, but there is growing bipartisan support for the latter in both the House and Senate.

State and local governments big and small are struggling with budget holes and significant revenue losses due to the pandemic and the steps that had to be taken to protect the public. As a result, police departments across the country have told their officers that hiring and wage freezes are going into effect, department civilian staff are being furloughed and laid off, and that they will be next for furlough and layoffs. Law enforcement and public safety will be negatively impacted if direct, flexible funding is not given to state and local governments to help them offset budget and revenue shortfalls created by the crisis. Further, NAPO strongly believes that every state, city and department that receives this funding must maintain pre-COVID staffing levels in their departments. We must avoid creating a public safety crisis on top of the public health and economic crisis this country is experiencing.

NAPO has joined with all of the major national law enforcement organizations – labor and management – to call on Congress to give state and local governments direct access to additional, flexible funding to help stave off public safety layoffs and furloughs and other budget cuts that would negatively impact public safety. We hosted a joint webinar with 11 other organizations for Congressional staff on May 11 and had over 100 House and Senate staff participate.

NAPO also joined the National League of Cities and over 170 organizations in a [letter](#) to Congressional leadership urging significant direct, flexible spending to state and local governments.

Several bipartisan proposals have been introduced in the House and Senate to provide state, county, and municipal governments with funding in targeted financial aid that NAPO is reviewing. Bipartisan proposals have also been introduced to make current funding more flexible so that state and local governments can use it to fill budget holes. This is evidence of growing agreement that something must be done to aid state and local governments. We will keep our members up to date on our efforts.

NAPO Victory! Senate Passes Legislation on PSOB COVID-19 Presumption and Officer Mental Health

On May 14, the Senate passed three of NAPO's priority bills by unanimous consent in honor of National Police Week. NAPO worked with Senate Judiciary Committee staff to move the Safeguarding America's First Responders Act (S. 3607), the Law Enforcement Suicide Data Collection Act (S. 2746) and the COPS Counseling Act (S. 3434) to the Senate floor for a vote.

The **Safeguarding America's First Responders Act** would establish a presumption under the Public Safety Officers' Benefits (PSOB) Program that an officer's death or disability due to contracting COVID-19 is in the line of duty.

The **Law Enforcement Suicide Data Collection Act** 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.

The **COPS Counseling Act** would implement confidentiality standards for federal law enforcement peer support counseling programs and direct the U.S. Attorney General to report on best practices and professional standards for state and local peer support counseling programs. All law enforcement officers should have access to confidential peer mentoring services, and while this bill only grants this for federal officers, we believe that many states and localities will follow the example of the federal government and the A.G.'s anticipated best practices report. It is another step forward to a national standard for confidential peer counseling for all officers.

We are now working with House Judiciary Committee staff to have the House quickly take up these three bills. We are urging the Committee to waive regular order as the Senate did so we can move these bills directly to the House floor, particularly the Safeguarding America's First Responders Act. Over 100 officers have died in the line of duty due to COVID-19 exposure and we must ensure their families get the benefits they deserve through the PSOB Program.

NAPO Testifies Before President's Commission on Law Enforcement and the Administration of Justice

On May 14, NAPO Executive Director Bill Johnson testified before the President's Commission on Law Enforcement and the Administration of Justice Working Group on Recruitment, Training and Retention on NAPO's priorities.

Johnson began by reiterating 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. Supporting the mental health of officers and providing resources and services they will use to preserve and protect their mental health and wellness not only saves lives, but it helps agencies retain experienced officers who might otherwise burn out or turn away from policing due to the mental stresses of the job. This is a vital issue that cuts across and impacts all the work of the Commission.

Johnson next spoke on the need for agency leadership and politicians to publicly support officers and stated that the current media environment officers have found themselves working in is detrimental to retention and recruitment. He then highlighted NAPO's support for increased penalties for violence against officers. The reckless language used by many politicians and community leaders has led to an increase in officer assaults and NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers and ensure protection for the community.

Johnson then touched on the need for legitimate workplace and adjudicative rights for officers and recommended the Commission publicly support a National Law Enforcement Officer's Bill of Rights. In this current environment particularly, agencies are more likely to attract and retain officers if the officers know that their due process rights are protected and they will not lose their jobs or their reputations for politically expedient reasons.

Johnson also pointed out that collective bargaining can go far in protecting officers' due process rights in internal investigations. It has also proven important in recruiting and training officers. However, there are public safety agencies across the country that do not benefit from a productive partnership between the agency and employees. Currently, many states do not allow public safety employees the fundamental right to bargain with their employers. History shows that denying workers the right to bargain collectively causes poor morale, the waste of resources, unsafe and inadequate working conditions, and low productivity. Johnson urged the Commission to support granting all law enforcement officers in all 50 states the right to discuss workplace issues with their employers.

In addition to the role officer rights and unions play in recruiting and retaining officers, benefits also play a key part. A [recent study by the National Institute on Retirement Security](#) shows that retirement and health benefits are closely tied to job satisfaction. Protecting and preserving public pension plans is a top priority for NAPO. Johnson stated to the Working Group that this is not a labor issue, it is a public safety issue. Cities who have downgraded their pension plans or switched to defined contribution plans have seen qualified, trained officers leave for other jurisdictions who provide defined benefit plans. They also find it harder to recruit new officers to replace those who have left. This is a very difficult profession that does not pay a lot of money. Protecting the benefits these officers deserve is one of the best ways of ensuring officer retention and increase recruitment.

In addition to protecting public pensions, Johnson pressed the Working Group to support the repeal of the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). The GPO and WEP were meant as a "leveling" response but only serve to hurt public safety officers. Total repeal of both GPO and WEP would preserve the retirement security of those who selflessly serve and protect our communities.

NAPO appreciated the opportunity to testify before the Working Group, and urges them to carefully consider them moving forward, as the Commission's recommendations will greatly impact our officers. The Commission's work will culminate in a report and recommendations submitted by the Commission to the Attorney General by October 28, 2020.

View Johnson's submitted testimony [here](#).

Officers Shot in the Line of Duty: 2019 Report Released

In order to better understand the nature and frequency of incidents that could give rise to the issuance of a Blue Alert, the Community Oriented Policing Services (COPS) Office within the Department of Justice has been monitoring and tracking shootings of law enforcement officers in the United States - specifically, shootings of on-duty officers resulting in an officer being wounded or killed. These types of attacks account for nearly all situations where a Blue Alert would most likely be utilized. (Assaults by means other than firearms are not tracked due to data on such crimes not being consistently available.)

The COPS Office just released their 2019 report on the data they compiled: [Law Enforcement Officers Shot in the Line of Duty: 2019 Year-End Summary](#). Among the notable statistics within the report, these facts stick out when considering officer safety:

- There were **244** incidents during calendar year 2019 resulting in **273** on-duty law enforcement officers being shot – including **34** incidents where multiple officers were shot.
- **44** law enforcement officers died from their injuries and **229** survived.
- **32** law enforcement officers were shot and 11 died as a result of being ambushed.
- Another **84** officers were shot and 14 died in situations where the offender acted without warning in a premeditated/calculated manner taking an officer by surprise.

This data is valuable as we work to convince Congress that it must pass increased protections for our nation's law enforcement officers who are facing a serious and growing trend of armed attacks against them. No one has been tracking data on officers non-fatally shot on a national level and we feel this data is important as the number of officers killed in the line of duty every year does not reflect the reality of how often officers are being attacked.

The National Blue Alert Network – the impetus for this report – was established by the Rafael Ramos and Wenjian Liu National Blue Alert Act. This legislation was named after New York City Police Department Officers and NAPO members Ramos and Liu, who were assassinated while serving their communities. NAPO is proud to serve on the Advisory Group that helps to implement the Act and ensures the creation of a robust and effective National Blue Alert Network.

If you have any questions about the policies or legislation included in this Report contact NAPO's Director of Governmental Affairs, Andy Edmiston, at aedmiston@napo.org. 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.