



The Washington Report

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

April 4, 2016

House Lawmakers Ignoring Law Enforcement Concerns with ECPA Amendments

The House Judiciary Committee is scheduled to markup H.R. 699, the Email Privacy Act, a bill that NAPO opposes, on April 13th. NAPO, together with other law enforcement organizations, has been meeting with members of the House Judiciary Committee to express our serious concerns with the legislation in its current form.

While NAPO does not object to the requirement for law enforcement to obtain a warrant for the contents of stored communications, H.R. 699 would do much more than that. NAPO believes that several other provisions of the bill would place an undue burden on law enforcement's ability to gather evidence that can help solve crimes. Furthermore, the bill does not address the real and growing challenges faced by investigators and prosecutors in obtaining electronic evidence when they attain the required legal process.

The bill in its current form would create significantly more protection for stored emails than the protection afforded to the contents of someone's house. Digital evidence is a part of nearly every crime scene today, and in our meetings we are strongly urging Committee members to understand the other provisions of the bill which extend its reach far beyond a simple "warrant for content" requirement.

There are two issues of particular concern. The first is the unprecedented requirement for law enforcement to serve a warrant for electronic evidence directly on a customer or subscriber who is under investigation - and even describe details of the investigation - creating significant risk of evidence destruction, flight, and threats to the safety of investigating officers. The second issue is that the bill does not contain sufficient exceptions to the warrant requirement for urgent situations like an imminent threat of physical harm, likely destruction of evidence, consent by a victim or a witness, or public safety emergencies that are not necessarily part of a criminal investigation (missing child, missing elderly adult).

H.R. 699 is not just a "warrant for content" bill. It goes far beyond that in ways that would make it harder for law enforcement to investigate crimes. While NAPO continues to work with Committee members to ensure that the Committee narrows the scope of the bill and finds a balance between protecting electronic privacy with the needs of law enforcement, we are facing an uphill battle. H.R. 699 has 314 cosponsors and the coalition behind the bill feels that since the bill has such significant support as currently drafted that they do not need to compromise. The law enforcement community was not consulted in the drafting of this legislation and it is imperative that Congress listen to our concerns and amend this bill before it goes too far.

In speaking with Committee members' staff, it is evident that many members signed on in support of the bill with the provision that it would be amended during Committee mark-up. NAPO is working to ensure that those

members stand true to that statement and support amendments to ensure law enforcement can do its job and protect our nation's citizens while upholding the need for electronic privacy.

We will keep our members updated on the status of this bill. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO in the News

On March 21st, NAPO Executive Director Bill Johnson was quoted in a *FoxNews.com* article entitled "Va. trooper's killer reportedly hated cops, stoking new fears of anti-police climate". The article focused on the cold-blooded murder of Virginia State Trooper Chad Dermeyer by an alleged cop-hater at a Greyhound bus terminal in Richmond, Virginia, and the affect this officer shooting and all of the others this year are having on America's law enforcement community.

"Officers feel like they are targeted and they are being singled out for murder," Johnson told FoxNews.com. "There is a climate out there that increasingly says it is open season on police."

The full article is available at the following site: <http://www.foxnews.com/us/2016/04/01/va-troopers-death-came-in-training-exercise-gone-awry.html?intcmp=hpbt1>

NAPO expresses our sincere condolences to the family and loved ones of Trooper Dermeyer. Our thoughts and prayers are with them and the Virginia State Police.

NAPO will continue to ensure our members' voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: bjohnson@napo.org.

NAPO Opposes Inclusion of Public Pension Requirements into Puerto Rico Assistance Proposals

In December 2015, Senator Orrin Hatch (R-UT) introduced the Puerto Rico Assistance Act and included in the bill unrelated public pension requirements that NAPO opposes, specifically, the Public Employee Pension Transparency Act and the Secure Annuities for Employees Act. Congress wanted to pass a bill to provide assistance to the financially struggling Puerto Rico before they went home for the year and Senator Hatch hoped that his bill, including the pension provisions, was what moved forward. Due to the efforts of NAPO and other public sector organizations, the Puerto Rico Assistance Act did not go anywhere and interest in moving the pension provisions as part of a Puerto Rico bill seems to be dead at the end of the year.

The call for public pension reform has started again with the introduction of the Public Employee Pension Transparency Act (PEPTA), H.R. 4822, by Congressman David Nunes (R-CA) on March 21st. Now, there is momentum again – amidst growing media attention – for PEPTA to be included as part of an aid package to address the financial and economic crisis in Puerto Rico. However, a draft Puerto Rico aid bill from the House Natural Resources Committee only includes a PEPTA provision that is applicable only to Puerto Rico's retirement system, not to all public pension plans.

NAPO and other public sector organizations have expressed to members of Congress our strong opposition to the public pension requirements contained in PEPTA as they do not protect benefits, save costs or improve retirement system funding. They are unfunded mandates and an inappropriate federal intrusion into areas that

are the fiscal responsibility of sovereign States and local governments, and are conflicting, administratively burdensome and costly. Further, it threatens to eliminate the tax-exempt bonding authority of state and local governments.

PEPTA not only violates the principles of federalism, but represents a fundamental lack of understanding regarding state and local government operations and financing, including governmental accounting rules and strict legal constraints already in place that require open financial reporting and processes. It also ignores the fact that every state and countless localities have recently made modifications to pension financing, benefits structures, or both.

The House Natural Resources Committee draft bill has been met with opposition from both Democrats and Republicans alike – with both sides calling for amendments – and it certainly will not move forward without significant support from Republicans. The Committee hopes to mark up a final version of the bill by the end of April. NAPO will continue to educate members of the Committee and Congress of our opposition to PEPTA and the inclusion of any of its provisions in legislation relating to Puerto Rico assistance or any other legislation under consideration.

If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO's Sponsor/Cosponsor Spreadsheet

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 Andrea Edmiston at: aedmiston@napo.org.

NAPO Congratulates Our 2016 TOP COPS®

Every year since 1994, NAPO has presented the TOP COPS Awards® Ceremony. The purpose of the TOP COPS Awards® is to educate the American public about our nation's heroes and to pay tribute to law enforcement officers in federal, state, county, tribal and local agencies from across the country for actions above and beyond the call of duty during the preceding year. Our TOP COPS® are nominated by fellow officers and selected from hundreds of nominations by an independent Awards Committee. Officers from the top ten cases have been chosen as the 2016 NAPO TOP COPS®. This year, there are 27 TOP COPS® representing the top ten cases. In each remaining state, one case has been selected from which an officer or group of officers will receive Honorable Mention awards.

The list of all our 2016 TOP COPS® and Honorable Mentions award winners can be found on NAPO's website at: <http://www.napo.org/top-cops/2016-win/>

NAPO is honored to have the privilege to recognize these courageous men and women during our 23rd Annual TOP COPS Awards® ceremony on May 14, 2016. Please join us in congratulating these heroes, who continue to put their lives on the line each and every day to keep our communities safe.

If you have any questions about the TOP COPS Awards®, please contact Elizabeth Loranger at: eloranger@napo.org.

May 12, 2016
2016 Lobby Day
Legislative Update &
NAPO's Annual Legislative Recognition Luncheon

Please join NAPO on May 12th for our Legislative Day on Capitol Hill. Use this opportunity to lobby Congressional Representatives and Senators on behalf of your members concerning the issues which affect law enforcement. Prior to lobbying Capitol Hill, plan to attend NAPO's Legislative Breakfast for an update on NAPO's legislative priorities, results to date from the 114th Congress, and to receive handouts to use during Hill visits. While on Capitol Hill, be sure to stop by NAPO's Legislative Luncheon in the Cannon Caucus Room, where several Congressmen and Senators will be recognized for their continued support of Law Enforcement.

Schedule of Events

NAPO Legislative Update Breakfast	JW Marriott Hotel	9:00am – 10:30am
Capitol Hill Visits	Capitol Hill	10:30am – 12:00pm
NAPO Legislative Recognition Luncheon	Dirksen Senate Office Building Room G11	12:00pm – 1:30pm
Capitol Hill Visits	Capitol Hill	1:30pm – 5:00pm

For assistance setting up your Capitol Hill appointments, contact Andy Edmiston, NAPO's Director of Governmental Affairs, at (800) 322-6276 or aedmiston@napo.org, by May 2nd.

The registration fee of \$150.00 per person includes the Legislative Update Breakfast, Handouts, and the Legislative Recognition Lunch. Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or eloranger@napo.org if you have any questions regarding the seminar or hotel arrangements.

NAPO has reserved a block of rooms at JW Marriott Hotel. Room rates are \$239 per night. To make your reservation, please call (800) 228-9290 and tell them you are with NAPO. In order to receive the reduced rate, reservations must be made by April 20. The hotel is expected to sell out, so please make your hotel reservations early.

Register online at www.napo.org or complete the [registration form](#) and return to NAPO at eloranger@napo.org or Fax to (703) 684-0515 by **MAY 2nd.**

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.