



The Washington Report

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

January 16, 2018

President Signs Law Enforcement Mental Health & Wellness Act into Law

In a victory for NAPO and officers across the country, President Trump signed the Law Enforcement Mental Health and Wellness Act into law (Public Law No. 115-113) on January 10.

The Act will help law enforcement agencies establish or enhance mental health care services for their officers by making grants available to initiate peer mentoring pilot programs, developing resources for mental health providers based on the specific mental health challenges faced by law enforcement, and supporting law enforcement officers by studying the effectiveness of crisis hotlines and annual mental health checks.

Upon its enactment, NAPO's Executive Director Bill Johnson stated:

"State and local law enforcement officers are our nation's first responders. They respond to our country's greatest tragedies as well as violent and abhorrent crimes that unfortunately occur with some frequency in our communities. They have seen and experienced horrors that they cannot forget, yet they still put their lives on the line every day to protect and serve our communities. The Law Enforcement Mental Health and Wellness Act recognizes the stress and strain of the job and gives officers the support and resources they need to address their emotional and mental wellbeing. The enactment of this vital legislation is a victory for officers across the nation and we offer our sincere appreciation to Senators Donnelly and Young and Congresswoman Susan Brooks (R-IN) for their leadership on this issue and their commitment to ensuring officers have access to the best mental health services available."

Within a year, the Department of Justice must submit a report to Congress – in consultation with federal, state and local law enforcement agencies – that includes a review of existing crisis hotlines, recommendations on improvements or the creation of an alternative hotline, and research into the efficacy of annual mental health checks as well as an examination of the mental health and wellness needs of federal law enforcement officers. This is in addition to the reports the Act requires by the Attorney General and the Secretaries of Defense and Veterans Affairs on mental health practices and services used by the military that could be adopted by federal, state and local agencies and by the Community Oriented Policing Services (COPS) Office on officer psychological health and wellbeing.

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



25th Annual TOP COP AWARDS® Dinner
May 14, 2018
Omni Shoreham Hotel, Washington D.C.

The deadline for nominations has been extended to January 18.

Please take the time to nominate examples of outstanding police work for this prestigious award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide. Join us in honoring America's Finest by nominating a case today. Attached, please find the nomination form which must be postmarked or faxed to (703) 684-0515 by **January 18, 2018**. If you have any questions please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at elorange@napo.org or (703)549-0775.

2018 will mark the twenty-fifth year that NAPO has hosted the TOP COPS Awards®. The TOP COP Awards® Dinner will take place Monday, May 14 at the Omni Shoreham Hotel, again coinciding with National Police Week. We look forward to seeing you in Washington, D.C. this spring.

With your help and partnership, the TOP COPS Awards® will continue to be a tremendous success!

Handwritten signature of Michael McHale in black ink.

Michael McHale
President, NAPO

Handwritten signature of Bill Johnson in black ink.

Bill Johnson
Executive Director, NAPO

NAPO Files *Amicus Curiae* Briefs on Officer Immunity in Two Use of Force Cases

On January 8, NAPO filed an [amicus brief](#) in support of the defendants in the case of *Rogers Vann v. City of Southhaven*. The case involves a situation where narcotics officers in Southhaven, Mississippi had boxed in the automobile of a drug dealer in an attempt to arrest him. The driver of the drug dealer's car attempted to escape, striking one officer and knocking him to the ground. The drug dealer's car then drove toward the downed officer a second time, and officers fired at the auto, striking and killing the driver. The issue is whether the officers are protected from a civil law suit by "qualified immunity." The court, the U.S. Court of Appeals for the Fifth Circuit (one level below the U.S. Supreme Court), decided via a three judge panel that the officers were not entitled to immunity, and voted to let the suit proceed. Our brief asks the entire panel of Circuit Judges (not just the three judge panel) to rehear the case, because we believe the panel got it wrong, and failed to follow Supreme Court precedent in this case, which indicates that the officers should have been granted immunity from suit.

We will keep our members up to date on the status of *Rogers Vann v. City of Southhaven* and whether the request to rehear the case was granted.

In the second case, *Texas v. Kleinert*, NAPO and our member organization, the Combined Law Enforcement Associations of Texas (CLEAT), sided with Austin, Texas Officer Charles Kleinert, who was asserting federal immunity from state criminal prosecution because he was working as part of a federal task force when he

accidentally shot an unarmed individual. This case deals with the “Supremacy Clause” of the U.S. Constitution. The federal appellate court – again, the U.S. Court of Appeals for the Fifth Circuit – agreed with CLEAT and NAPO and held that Officer Kleinert was immune from state prosecution in these circumstances.

Todd Harrison, President of CLEAT, just informed us today that the U.S. Supreme Court has declined to disturb the holding of the appellate court, so their decision in favor of Officer Kleinert stands. This is a good case for all local and state officers who also serve on federal task forces.

NAPO will continue to file *amicus curiae* briefs to represent our members in the courts of the United States. If you have any questions or need more information on the details and impact of either *Rogers Vann v. City of Southaven* or *Texas v. Kleinert* or NAPO’s *amicus* briefs, please contact Bill Johnson at bjohnson@napo.org.

NAPO on the Hill: Mass C.O.P. Delegation Meetings

On January 9, NAPO’s Director of Governmental Affairs Andy Edmiston joined the Massachusetts Coalition of Police (Mass C.O.P.) President and NAPO Treasurer Scott Hovsepian and Mass C.O.P. First Vice President John Nelson in meetings with the entire Massachusetts Congressional Delegation. We met with **Senators Elizabeth Warren and Edward Markey, Representatives Jim McGovern, Michael Capuano and Seth Moulton**, and the staff of **Representatives Richard Neal, Niki Tsongas, Joseph Kennedy, Katherine Clark, and Stephen Lynch**.

In the meetings, we thanked members of the delegation for their support for the Law Enforcement Mental Health and Wellness Act and urged them to support funding for the peer mentoring grant program created through the Act within the Community Oriented Policing Services (COPS) Office. All the delegation members agreed with the importance of funding the peer mentoring grant and stated their continued support for the COPS Office in general and the COPS Hiring Program.

We also raised the urgent need for Congress to repeal the “Cadillac Tax”, the 40 percent excise tax on employer-sponsored health plans that was passed as part of the Affordable Care Act and will go into effect in 2020. Employers and health plans have already started the long benefits planning period to make changes to their health insurance plans that will affect the health coverage and affordability of those plans for employees in 2020. Congress needs to act now before those changes become permanent benefit losses for public safety officers across the country. Every Massachusetts representative and Senator opposes the Cadillac Tax and most expressed support for or have cosponsored the Middle Class Health Benefits Tax Repeal Act (H.R. 173), which would repeal the tax. Some offices voiced concerns about the chances of passing this bill, given the Republicans’ desire to gut the Affordable Care Act and Democrats wanting to protect it at all costs. Those offices believe that there is no way to pass H.R. 173 without significant amendments being added that would kill Obamacare, which would prevent Democrats from supporting final passage of the bill.

Most offices, however, believe there is significant support for delaying the implementation of the tax yet again and kicking the final decision on repealing it down the road. While NAPO would support another delay, we strongly believe it would have to be a significant delay – certainly longer than the one- and two-year delays we have won so far – in order to ensure our members’ health benefits are not negatively impacted.

Lastly, we spoke on the need to protect officers’ due process rights and the legislation NAPO is working to reintroduce – the Law Enforcement Officers Procedural Bill of Rights Act – that would create national standards and procedures to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluation of citizen complaints. Officers in Massachusetts already enjoy such protections of their due process rights through their collective bargaining agreements and we spoke of the need to ensure all officers across the nation have those protections. NAPO and Mass C.O.P.

leadership will stay in touch with staff on the progress of the bill and hope to gain support from the entire Massachusetts delegation.

NAPO will continue to partner with and represent Mass C.O.P. to ensure that their members' voices are heard on Capitol Hill.

NAPO on the Hill: Legislation to Improve PSOB Benefits

NAPO secured a significant victory in 2017 with the enactment of the Public Safety Officers' Benefits (PSOB) Improvement Act, which significantly improves the case determination process and protects the ability of families and officers to receive death and disability benefits. However, we know that families of fallen officers still struggle to make ends meet after such a tragedy, so we continue to work to ensure that the benefits received meet the needs of the families of those officers killed or severely disabled in the line of duty.

NAPO is collaborating with Congressman Raul Ruiz (D-CA) on legislation to increase the PSOB death, disability and education benefits. Congressman Ruiz represents the families of Palm Springs Officers Lesley Zerebny and Jose Gilbert Vega, who were gunned down in an ambush while responding to a domestic disturbance call on October 8, 2016. The families of the officers reached out to the Congressman on the need to increase the PSOB benefits so that the families left behind would not be left struggling with mortgages, loan debts and the costs of raising children.

NAPO has long fought to increase PSOB benefits, from the first benefit increase in 1988 from \$50,000 to \$100,000 plus annual cost of living indexing, to the next significant raise in 2002 following the September 11, 2001 terrorist attacks when the benefit was raised to \$250,000. Additionally, we worked to ensure these death and disability benefits are federal and state income tax free. The PSOB one-time death and disability benefit is currently \$350,079.

Further, the Public Safety Officers' Education Assistance (PSOEA) benefits are \$1,200 per month, which has not kept up with the rising costs of college education. \$1,200 per month will not cover the tuition of the average public college. It has been 16 years since the PSOB benefit has significantly increased and NAPO strongly believes that it is time to raise the benefit once again to ensure the families of those who selflessly gave their lives for the safety of our communities.

We are hoping the legislation will be finalized and introduced in February and we will keep our members updated on its status. If you have any questions about the legislation or NAPO's work to improve the PSOB benefits, please contact Andy Edmiston at aedmiston@napo.org.

Last Chance! Join NAPO for our 30th Annual Pension & Benefits Seminar

Caesars Palace Hotel & Casino – Las Vegas, NV – January 28-30, 2018

We invite you to join NAPO for our 30th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar to be held at Caesars Palace Hotel and Casino in Las Vegas, Nevada, January 28-30, 2018. Participate in discussions on the pressing topics that are affecting your pension fund and benefits.

Topics will include: Pension Threats & Reforms, The U.S. Supreme Court Case that may Gut Unions Across the Country, Plan Fund & Design, The Pension Crisis that started in Kentucky and Why it May Be Coming to Your

State Soon, Tax Reform and the Loss of State and Local Tax Deductions, The Death of the 401(k) Plan, Medicare Options and Security Breaches just to name a few!

For the most up to date agenda check NAPO's website at www.napo.org

Take an active role in improving your fund by registering for this informative seminar. Registration and Hotel information is attached. Registration Information is also found on the NAPO's website [event page](#).

If you have any questions or need additional information please do not hesitate to contact Elizabeth Loranger, NAPO's Director of Events at eloranger@napo.org or (703) 549-0775. We look forward to seeing you.

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.