



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

August, 2015

NAPO Meeting at White House

On August 4, 2015, NAPO's Executive Director, Bill Johnson, met with Roy Austin, Deputy Assistant to the President and Director of the White House Office of Urban Affairs, Neil Eggleston, White House Counsel, Greg Shultz, Special Assistant to the President and Senior Advisor to the Vice President, and Joshua Pollack, Special Assistant to the President and Senate Legislative Affairs Liaison. The meeting was at the Eisenhower Building on the White House compound. Johnson met with the senior advisors to the President and Vice President to discuss pending legislative issues which will impact law enforcement officers across the United States. From the White House's point of view, their top priorities are sentencing reform, criminal justice reform and reintegration of offenders back into the community. It is important to note that each of these topics carries with it the intent of the President and his administration to change how convicted offenders are sentenced, how they are incarcerated, for how long, and how they are returned into the community. Also, while the federal government can only directly control the federal Bureau of Prisons, they can influence state and county incarceration facilities and policies, primarily through money (via the Department of Justice's funding programs) and through targeted enforcement policies (via the Civil Rights Division and U.S. Attorneys' Offices).

While some national law enforcement groups support initiatives to release offenders early and to reduce sentences for convicted felons, NAPO was strong in voicing the concerns of rank and file officers that officer safety must come first. The release of felons back into a community doesn't occur in a vacuum. Real life flesh and blood people pay the cost of violent crime, and the men and women who serve as law enforcement officers have to carry the burden of protecting both themselves and the public they serve. Johnson was adamant that rank and file officers care far more about safety and morale than about the federal Bureau of Prisons' budget. Projected cost savings from releasing prisoners early won't balance the costs of increasing crime or deteriorating neighborhoods.

If you have any questions about NAPO's interactions with the Administration, please contact Bill Johnson at: bjohnson@napo.org.

NAPO Helps Form National Coalition to Fight "Cadillac Tax"

Working with longtime NAPO friend (and presenter at our seminars) Tom Lussier, NAPO and other members of Washington's Public Pension Network have banded together to form a coalition to fight against the unfair (and perhaps also some unintended) consequences of the imposition of the so-called "Cadillac Tax" on employees' health care benefits. As you know, the Affordable Care Act, or "ObamaCare" enacted a new provision in the federal tax code

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known as IRC Section 4980I, which imposes a 40% excise tax on health insurance premium costs over a set dollar limit each year. The set dollar limits are initially fixed at a low level, (\$10,200 per year for an individual and \$27,500 for a family) and while indexed to the general rate of inflation, are not linked to the actual, rapidly rising rate of increase in health care costs, thus exposing more and more working families to the impact of the tax each year. The new IRC Section contains a provision which sets slightly higher dollar limits (\$11,850 for an individual and \$30,950 for a family) for high risk employees, including public safety and law enforcement employees.

However, the IRS has proposed regulations which would require that law enforcement and other public safety employees would have to be participating in a health care system where the majority of participants were high risk employees; and most of the public safety and law enforcement employees in the United States participate in health care plans where they are lumped in with other, non-high risk employees such that they would not be able to utilize the higher dollar limits originally intended for their protection. Thus, the looming application of this tax poses a real and substantial threat to our members' economic well-being.

This new coalition can help focus attention and energy on this issue in two ways: First, just as NAPO has, several members have submitted comments in response to a request from the Department of the Treasury to consider important regulatory aspects of the new tax. This effort, we hope, will lead to some regulatory relief in the application of the tax. Second, there is growing bipartisan support for legislation that would repeal the tax altogether. There are currently two legislative vehicles - the bipartisan "Middle Class Health Benefits Tax Relief Act of 2015" and the "Ax the Tax on Middle Class Americans' Health Plans Act". NAPO has already formally endorsed and publicly supported both of these bills.

NAPO will keep our members informed on the progress of these bills and the efforts of this new coalition.

If you have any questions about this issue, please contact Bill Johnson at: bjohnson@napo.org.

Acknowledgements to Tom Lussier

NAPO-Supported Criminal Justice and Mental Health Bill Introduced in Senate

U.S. Senator John Cornyn (R-TX) has introduced legislation designed to enhance the ability of local communities to identify and treat potentially dangerous, mentally-ill individuals. The *Mental Health and Safe Communities Act* will help fix the existing background check system without expanding it, increase the use of treatment-based alternatives for mentally-ill offenders, and improve crisis response and prevention by local officials. The bill is endorsed by a diverse group of organizations, including the National Rifle Association (NRA), the National Alliance on Mental Illness, and the NAPO.

“While potentially dangerous mentally-ill individuals are often known to law enforcement and local officials, gaps in existing law or inadequate resources prevent our communities from taking proactive steps to prevent them from becoming violent,” said Sen. Cornyn. “This legislation will strengthen programs that promote preventative screening and crisis response training so that we can better understand and treat the factors which may endanger public safety,” Sen. Cornyn continued. “By giving our communities the resources necessary to recognize and prevent acts of violence, we not only protect American families, but help those affected by mental illness.”

More than half of all prison and jail inmates, including 56 percent of state prisoners, 45 percent of federal prisoners and 64 percent of local jail inmates, have a mental health problem. Jails across the nation annually serve an estimated 2 million people with serious mental illnesses, three-quarters of whom also have substance use disorders. The prevalence of people with serious mental illnesses in jails is three to six times higher than for the general population. Once

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incarcerated, these individuals tend to stay in jail longer, exacerbating their disorder and costing taxpayers more money. Jurisdictions across the nation are looking for help to improve the efficiency of law enforcement, courts, and corrections resources; to increase the likelihood that people in need are linked to effective supervision and treatment; and to make our communities safer.

Acknowledgements Office of U.S. Senator John Cornyn; Council of State Governments Justice Center

Zadroga Act Renewal Lobby Day

Save the Date

Wednesday, September 16, 2015
James Zadroga 9/11 Health and Compensation Act Renewal
Lobby Day
9:30 a.m.-5:00 p.m.

NAPO is proud to work with Citizens for Extension of the James Zadroga Act. We have set a date of September 16th for a Washington, D.C. lobby day to renew the James Zadroga Health and Compensation Act. We are making great strides on the legislation with 115 bipartisan cosponsors in the House and 28 co-sponsors in the Senate. Thank you for everyone's efforts to make that happen! It has been a great team effort. However, September will be a crucial month for negotiations as Congress decides between funding a 5 year or a preferable permanent bill. We feel it's critical to have a strong presence in Washington during September. With the anniversary of the September 11th attacks, the holidays, Election Day etc., Wednesday, September 16th seems to be one of the few open windows to mobilize a large lobby day. We anticipate the day starting at 9:30 a.m. and concluding by 5:00 p.m. Please email Bill Johnson at bjohnson@naop.org if you are able to participate or if you need further information.

Please see the below fact sheet, shared by the Citizens' group, for important information about just why extension of these health care programs for the 9/11 first responders, and their survivors, is vital.

Acknowledgements Suzy Ballantyne and Citizens for Extension of the James Zadroga Act.

Fact Sheet on HR. 1786/ S.928

Statistics that show the Size and Scope of the 9/11 Health Crisis facing 9/11 Responders, Survivors and their Families

Below is information on the size and extent of the Health Crisis facing injured and ill 9/11 Responders and Survivors, including residents, student, area workers.

- There are over [71,186 9/11 Responders and Survivors](#) who are living in [every State](#) and from [429 of 435 Congressional Districts](#).
- There are over [8,017 participating in the National Program](#) which provides medical treatment and monitoring for 9/11 Responders who live outside the New York Metropolitan Area, including responders to the Pentagon and the Shanksville crash site.
- There are over [62,000 9/11 Responders](#) receiving medical monitoring to safeguard against emerging injuries.
- There are [8,475](#) injured 9/11 Survivors receiving medical treatment for their injuries from the World Trade Center Health Program.
- Over [33,000 Responders and Survivors](#) have at least one 9/11 condition and over two thirds have more than one condition and a large number of those suffer from multiple injuries and illnesses.
- Over [22,000 9/11 Responders and Survivors](#) sought treatment last year, for their 9/11 injury from the World Trade Center Health Program.

- Over 2,100 active duty Fire Department personnel (Fire Fighters and EMS) and over 550 NYC Police Department personal have had to retire due to disabling 9/11 injuries.
- More than [3,700 Responders and Survivors](#) have been certified to have a 9/11 related cancer, of which over 1,100 are New York City Fire Fighters and EMS personnel.
- Over [85 New York Police Department officers](#) and over 110 Firefighters have reportedly died of their 9/11 injuries since 9/11 and more are expected in the coming years.
- To date, the September 11 Victim Compensation Fund has received [19,721 eligibility claims](#). Of those claims submitted it has found 11,770 eligible, has denied eligibility on 942 claims
- The VCF has made [5,636](#) compensation determinations for injured and ill responders and survivors or their surviving families totaling over \$1.3 Billion.

Additional information and statistics are available on the Renew911Health website here:

<http://www.renew911health.org/statistics-that-show-the-size-and-scope-of-the-911health-crisis-facing-911-responders-survivors-and-their-families/>

Driver’s Privacy Protection Act

NAPO continues to lobby **Congressman Ted Deutch (D-FL)** about our proposed modifications to the Driver’s Privacy Protection Act (DPPA). (NAPO has discussed this issue with the Congressman’s staff several times over the past two months).

The DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released. The DPPA amendment authorizes a private right of action for knowing violations, and a court may award automatic “damages” in the amount of \$2,500 for each time a record was accessed, even if no actual damages were proved, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

NAPO’s proposed language modifications include adding a clause that explains that penalties will be applied only if persons access information with the specific intent to secure an economic benefit. Also, NAPO proposes removing the automatic imposition of the \$2,500 penalty for violations of this act, as well as adding a statement that explains there must be repeated disregard of this law for sanctions to take effect.

If the language is not modified, law enforcement officers will be subject to large fines, and even the loss of their licenses for *de minimus* actions.

Congressman Deutch’s staff continues to be very receptive to our proposals.

NAPO will continue to aggressively lobby members of Congress to gain support for our proposed language changes to the DPPA. We will keep our members updated on the status of these initiatives. If you have any questions about our efforts, please contact Bill Johnson (bjohnson@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.