

MISSION STATEMENT

The National Association of Police Organizations (NAPO) was established to unite all law enforcement organizations within the United States in order to promote and maintain federal legislation most beneficial to law enforcement in general and the citizens we are sworn to protect.

It is the aim of NAPO to stimulate mutual cooperation between law enforcement organizations and to assist in the economic, social and professional advancement of all law enforcement officers, whether active or retired.

It is the further aim of NAPO to educate the public concerning the methods and means of achieving more effective crime control and law enforcement so as to establish a more peaceful, tranquil and free society for all.

NAPO disseminates information to all member organizations and to the public regarding federal legislation and related matters which affect the interest and welfare of its member organizations, the law enforcement profession and the public.

**111TH CONGRESS (2009 - 2011)
LEGISLATIVE PRIORITIES**

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NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States. NAPO was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political activity and education.

Founded in 1978, NAPO is the strongest unified voice supporting law enforcement officers in the United States. NAPO represents more than 1,000 police units and associations, over 241,000 sworn law enforcement officers, 11,000 retired officers and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

Increasingly, the rights and interests of law enforcement officers—*America's Finest*—have been the subject of legislative, executive and judicial action in the nation's capital, Washington, D.C. From issues of federal funding of State law enforcement and anti-terrorism efforts to federal policy on employee health, pensions and other benefits, the actions of Congress and the Administration significantly impact public safety interests. These interests must be vigorously protected in light of the vital role law enforcement officers play in maintaining the peace and security of American society – that's where NAPO comes in.

Through NAPO's Washington office, working independently and in conjunction with other public safety, public employee and employer groups, NAPO has achieved a number of solid legislative and administrative accomplishments for its constituents. It has also defeated efforts which would have seriously undermined law enforcement interests.

Among the many legislative areas in which NAPO has had a significant impact in recent years are:

1. Enactment of the Law Enforcement Officers' Safety Act (Right to Carry Legislation).
2. Enactment of the National AMBER Alert Act.
3. The enactment of the Violent Crime Control and Law Enforcement Act, omnibus anti-crime legislation.
4. Enactment of the Family Leave and Medical Act.
5. Enactment of legislation in 1988 which raised the Public Safety Officers' Benefit (PSOB) for officers killed in the line of duty from \$50,000 to \$100,000 plus annual cost of living indexing.
6. Enactment of legislation which made the federal death benefit tax free to survivors.
7. Enactment of legislation in 2002 which raised the PSOB base from \$100,000 to \$250,000. It is currently over \$317,700.
8. Enactment of the Police, Fire and Emergency Officers Educational Assistance Act, which authorizes educational assistance for the dependents of public safety officers killed or permanently and totally disabled in the line of duty on or after October 1, 1997. As of October 1, 2008, the maximum award for a full-time student is \$915 per month of class attendance.
9. Enactment and implementation of the Hometown Heroes Act, which expands coverage of the PSOB to include those law enforcement officers who suffer debilitating or fatal heart attacks or strokes while on, or related to, active duty or training work.
10. Enactment of legislation which prohibits implementation of an Internal Revenue Service proposal to tax accrued public employee leave as current income.

11. Prevention of the curtailment of adoptive asset forfeiture payments by the Federal Government to the States.
12. Enactment of the Fair Labor Standards Act (FLSA) Amendments, which implemented the United States Supreme Court's decision in the *Garcia* case, upholding the constitutionality of the Fair Labor Standards Act as applied to non-Federal public employees.
13. Elimination nationwide of the "source tax" on law enforcement retirees' incomes.
14. Enactment of the H.E.L.P.S. Retirees Act which allows retired public safety officers to use up to \$3,000 annually from their pension funds, including defined benefit plans and defined contribution plans, to pay for qualified health insurance premiums without taxing these distributions.
15. Restoration of U.S. Department of Justice Funding for the hiring of state and local law enforcement officers.
16. Enactment, and later the renewal, of the Bulletproof Vest Partnership Grant Act, which assists state and local authorities in providing bullet resistant vests to their officers.
17. Enactment, and later the renewal, of the Mentally Ill Offender Treatment and Crime Reduction Act, which encourages mental health and criminal justice systems to work together in devising new, more effective ways to assist the mentally ill.
18. Enactment of legislation that provides for free medical screenings to first responders, volunteers, and emergency personnel who endure serious health risks to respond to national disasters like Hurricane Katrina and the September 11th, 2001, terrorist attacks.
19. Enactment of the Adam Walsh Child Protection and Safety Act of 2006, which creates new registration requirements for sex offenders and imposes considerable penalties on those who fail to comply.
20. Enactment of the Combat Meth Act.

These are merely illustrative of the areas where law enforcement participation through NAPO has made, and continues to make, a difference. The legislative issues affecting the vital interests of law enforcement officers continue to grow daily as crime, terrorism, and law enforcement issues occupy more of the time of Congress and the Administration.

NAPO works in several ways to influence the course of national affairs where law enforcement interests are concerned. It maintains a Washington office to monitor and guide legislative and administrative developments and provides information to NAPO's membership on a timely basis so that it can respond from the grassroots level. The *Washington Report* is routinely distributed to the membership, updating them on the current issues on which NAPO is working.

The NAPO website (www.napo.org), which is updated daily, contains important information for law enforcement personnel regarding upcoming legislation, Supreme Court rulings, NAPO seminars and conferences, and safety and security hazards to law enforcement personnel.

NAPO affiliates and representatives meet frequently with members of Congress and their staff at home and in Washington to lobby pending issues of concern. At the NAPO Annual Convention, the delegates take action to establish NAPO's legislative goals and priorities. Also, in election years, delegates issue endorsements of candidates for national and congressional offices who have earned law enforcement support.

NAPO also holds an annual Legal Rights and Legislative Seminar, to further educate law enforcement personnel about upcoming bills, court decisions, and legislation that may affect them.

In 2002, NAPO established the National Association of Police Organizations Relief Fund, dedicated “to provide for the physical, medical, emotional, and spiritual well-being of law enforcement officers and their families who have suffered hardship as a result of catastrophe, storm, flood, earthquake, fire, evacuation, relocation, disaster, war, or other acts or accidents of nature or man.” The Relief Fund has been extremely successful in assisting officers in the aftermath of Hurricanes Katrina and Ike, and the 2008 flooding in Iowa, as well as quietly aiding families with an ill or deceased loved one.

NAPO established a sister 501(c)(3) research and education organization in 1991, the Police Research and Education Project (PREP). PREP has conducted research on law enforcement stress and its effect on the family under the auspices of National Institute of Justice grants.

In 1994, the National Law Enforcement Officers’ Rights Center was established under PREP to protect officers’ legal and constitutional rights. The Rights Center is the first legal support center established to help law enforcement officers deal with the increase of litigation sweeping through the law enforcement community.

The Rights Center has filed numerous amicus curiae (“friend of the court”) briefs on behalf of law enforcement officers with the U.S. Supreme Court as well as in numerous federal and state appellate courts. The Rights Center has also published surveys on states’ tort liability rules, collective bargaining laws and a law enforcement officer’s right to carry a firearm off-duty.

The Rights Center has won several important U.S. Supreme Court cases for law enforcement officers. Thanks to NAPO and the Rights Center, law officers can now restrain dangerous persons to ensure a safe search of a site during the execution of a warrant, and may lawfully arrest suspects who refuse to identify themselves in legitimate Terry stops. The Rights Center and NAPO will continue to file amicus curiae briefs to represent America’s Finest in the courts of the United States.

In October 1994, NAPO held its first annual TOP COPS Awards® ceremony in Washington, D.C., with special guest the President of the United States. John Walsh of “America’s Most Wanted” served as Master of Ceremonies. Other Masters of Ceremony have included Lynne Russell of CNN’s “Headline News” and Richard Belzer of NBC’s “Law & Order: Special Victims Unit.” The prestigious TOP COPS Awards® are given annually to sworn law enforcement officers from across the country who are nominated by their peers for outstanding service.

Additionally, NAPO sponsors an Annual Law Enforcement Pension and Benefits Seminar and has sponsored seminars on collective bargaining, the Fair Labor Standards Act (FLSA), law enforcement stress management, drug testing, the Americans with Disabilities Act (ADA), and public relations.

NAPO is a founding member of the National Law Enforcement Officers Memorial Fund (NLEOMF) and worked for the successful passage of the legislation setting up the Memorial and served on the site selection and inscription committees. NAPO, through its members, raised over \$1 million for the Memorial. Additionally, NAPO has raised nearly \$2 million for the proposed National Law Enforcement Museum. NAPO continues to serve on the Board of Directors of the National Memorial Fund and the new National Law Enforcement Museum in Washington, D.C.

NAPO also serves as a board or coalition member for the National Law Enforcement and Corrections Technology Advisory Council (LECTAC), the National Armor Advisory Board and Summit (reviews current issues regarding body armor design and usages), the National Blue Mass (for Law

Enforcement Officers held during National Police Week), the National Center for Missing and Exploited Children, the Target Capabilities Working Groups of the U.S. Department of Homeland Security, the Public Safety Sub Council of the National Occupational Research Agenda of the National Institute for Occupational Safety and Health, the American College of Occupational and Environmental Medicine Task Group on Medical Guidelines for Law Enforcement Officers, the Collective Bargaining Coalition (lobbies Congress on legislation to extend basic collective bargaining rights to public safety officers), the National Executive Committee of the Coalition to Preserve Retirement Security (Social Security Issues), the National Conference on Public Employee Retirement Systems, the Crime Prevention Coalition of America, and the United States Presidential Transition Teams for the Departments of Justice and Homeland Security.

NAPO has been, and will continue to be, the strongest unified voice for law enforcement officers in the United States.

RIGHTS OF LAW ENFORCEMENT OFFICERS

PUBLIC SAFETY EMPLOYER - EMPLOYEE COOPERATION ACT “COLLECTIVE BARGAINING”

Background: Congress has long recognized the benefits of a cooperative working relationship between labor and management. Over the years, Congress has extended collective bargaining rights to public employees including letter carriers, postal clerks, public transit employees, and congressional employees. However, under federal and state laws, some public safety employees, including those in law enforcement, corrections, and fire, are denied the basic right of collective bargaining.

While many public safety agencies have benefited from a productive partnership between employers and employees, other agencies have not. 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, unfair and inadequate working conditions, and low productivity. Ultimately, it is the public’s safety and security that is jeopardized by such poor working conditions for police.

If enacted into law, the “Public Safety Employer-Employee Cooperation Act” would do the following:

- Give the right to public safety officers to form and join a union or association of their own choosing, but only if they wish to.
- Give the right to public safety officers to bargain over wages, hours, and working conditions.
- Provide for fact finding and mediation to resolve disputes, but would not require binding arbitration.
- Prohibit strikes and lockouts by public safety officers and agencies.
- Protect current state laws, certifications, and collective bargaining agreements.
- Preserve legitimate management rights.

Recent Legislative Action:

111th Congress (2009-2011)

- **H.R. 413**, the “Public Safety Employer-Employee Cooperation Act.” Introduced by Dale Kildee (D-MI) and John Duncan (R-TN) on January 9, 2009.

110th Congress (2007-2009)

- **H.R. 980**, the “Public Safety Employer-Employee Cooperation Act.” Introduced by Dale Kildee (D-MI) and John Duncan (R-TN) on February 12, 2007. 7/17/2007, H.R. 980 passed the House by a vote of 314-97.
- **S. 2123**, Senate companion bill to H.R. 980. Introduced by Judd Gregg (R-NH) and Edward Kennedy (D-MA) on October 1, 2007.

NAPO Position: Federal law has extended collective bargaining to a number of different sectors, but not to public safety officers. There are many law enforcement officers who put their lives on the

line every day to preserve the security and peace that our nation enjoys. However, these same officers are denied the basic American rights of collective bargaining for wages, hours, and safe working conditions.

This legislation extends basic collective bargaining rights to state and local public safety officers. The bill prohibits strikes and does *not* call for mandatory arbitration. In addition, states that offer equal or greater collective bargaining rights would be exempt from this federal statute. The Public Safety Employer-Employee Cooperation Act will not overturn current collective bargaining laws – it will only provide the most basic of collective bargaining rights to those who currently do not have them.

NAPO has actively supported the efforts of Representatives Kildee and Duncan and Senators Gregg and Kennedy. NAPO will continue working in a coalition with other public safety organizations to actively support the passage of this important legislation.

STATE AND LOCAL LAW ENFORCEMENT OFFICER BILL OF RIGHTS

Background: Throughout the country, many states lack coherent guidelines and procedures for law enforcement departments to follow to protect law enforcement officers' due process rights. Sworn law enforcement officers are held to an extremely high standard of personal and professional conduct, due to the enormous responsibilities they exercise. However, many officers are denied the same basic due process rights that all other citizens enjoy. In approximately fifty percent of the states, officers enjoy some legal protections against false accusations and abusive conduct. However, this leaves hundreds of thousands of officers with limited or no due process or who face limitations or retaliation when exercising these rights.

In addition, sometimes individuals are reluctant to file a complaint against an officer, perceiving correctly or incorrectly that management will not take the complaint seriously and conduct an inquiry. Often departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability.

If enacted into law, the “Law Enforcement Officer Bill of Rights” would provide officers with the following:

- Officers would have the right to engage in civic activity and would not be prohibited from running for elective office because of their profession.
- Departments would have to establish effective procedures for receipt, review, and investigation of law enforcement and other complaints against law enforcement officers.
- If disciplinary action is foreseeable, officers would be notified of the investigation, the nature of the alleged violation, the eventual outcome of the inquiry, and the recommendations made to superiors by the investigators.
- Questioning of a law enforcement officer would be conducted at reasonable times, preferably while the officer is on duty, unless exigent circumstances apply.
- Questioning of the law enforcement officer would take place at the offices of those conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location.
- A single investigator would question officers, and the officer would be informed of the name, rank, and command of the officer conducting the investigation.

- Officers could not be threatened, harassed, or promised rewards to induce the answering of any question.
- Officers under investigation would be entitled to have legal counsel or any other individual of their choice present at the questioning.
- Officers would be entitled to a hearing, notification in advance of the date of the hearing, and access to transcripts and other relevant documents and evidence generated by the hearing. The officer would also be entitled to be represented by legal counsel or another representative at the hearing.
- Officers could obtain declaratory or injunctive relief in state or federal court for violations of this law, including retaliation for the exercise of these or any other rights under federal, state, or local law.
- Officers would have the opportunity to comment in writing on any adverse materials placed in his or her personnel file.
- There would be defined 'just cause' factors to be considered by the hearing officer or board for an officer to be found guilty or liable for disciplinary action; and mitigating factors would also be noted, which could reduce the severity of the disciplinary action.
- This law would only preempt those provisions in state, county, or municipal laws, which provide lesser officer protection, but would not preempt those providing equal or greater protection.

Recent Legislative History:

111th Congress (2009-2011)

- **H.R. 1972**, the “Law Enforcement Officer’s Procedural Bill of Rights Act.” Introduced by Bart Stupak (D-MI) and Erik Paulsen (R-MN) on April 2, 2009.

110th Congress (2007-2009)

- **H.R. 688**, the “State and Local Law Enforcement Discipline, Accountability and Due Process Act.” Introduced by Jim Ramstad (R-MN) on January 24, 2007.
- **S. 449**, Senate companion bill to H.R. 688. Introduced by Joseph R. Biden, Jr. (D-DE) on January 31, 2007.

NAPO'S Position: NAPO recognizes a serious need for the implementation of 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. Too often law enforcement officers are subjected to the whim of their departments or local politics during internal investigations and administrative hearings. NAPO also supports the implementation of standards to guide law enforcement agencies in developing and operating a fair and effective investigative process. Individuals should have the right to file a complaint, to have the complaint investigated, and to be informed of its final disposition, including learning the outcome of the investigation and any resulting disciplinary action.

Consequently, NAPO has actively fought for the enactment of this legislation since 1990. In consultation with attorneys representing law enforcement officers, NAPO has worked tirelessly with Congress and other national interest groups to support this legislation.

OVERTIME COMPENSATION

Background: Under the current overtime rules, law enforcement officers who earn less than \$23,660 annually become automatically eligible for overtime pay. However, officers earning more

than \$23,660 may lose overtime based on a “duties test.” The “duties test” has been modified to make it easier for employers to reclassify employees and exempt them from overtime pay. For example, if employees perform a combination of front-line duties and supervisory/administrative duties, they would now meet the criteria for “executive” or “administrative” employees, thus making them exempt from overtime.

NAPO has fully and actively supported legislation that would prevent the U.S. Department of Labor (DOL) from taking away overtime pay rights from any worker who was previously eligible, while maintaining the new rights for low-income workers who earn up to \$23,660.

Recent Legislative History:

109th Congress (2005-2007)

- **S. 14**, the “Fair Wage, Competition, and Investment Act of 2005.” Introduced by Debbie Stabenow (D-MI) on January 24, 2005.
- **S. 223**, the “Overtime Rights Protection Act.” Introduced by Tom Harkin (D-IA) on March 1, 2005.

NAPO Position: NAPO fought hard to force the Department of Labor “to expressly provide in its final regulations a specific occupational rule on law enforcement.” That language was added to the final DOL rule and it provided that law enforcement officers are entitled to overtime protections. However, it does not provide that all law enforcement occupations are entitled to overtime “regardless of rank or pay level,” but rather only those officers who perform front-line duties as their “primary duty.”

NAPO is continuing to fight to get the DOL to clarify their language to state that overtime rights of *all* law enforcement officers are reinstated and protected. NAPO is also working closely with both Houses of Congress to clarify or rescind harmful DOL rules and restore overtime to 6 million American workers.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAMS

COPS, BYRNE-JAG, AND HOMELAND SECURITY GRANTS

Background: NAPO served as the leading national law enforcement organization, working tirelessly with members of Congress and the Clinton administration, to enact the Community Oriented Policing Services (COPS) program in 1994. Since its inception, the COPS Office within the Department of Justice has been extremely successful in implementing and carrying out its designated objectives. To date, COPS has funded over 118,000 community police officers in 11,300 communities and countless resources, including enhanced crime fighting technology, equipment, and the development of innovative partnerships with communities to fight crime.

In addition to the COPS program, state and local law enforcement benefit greatly from the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program, as is the only comprehensive federal crime-fighting program. It allows for a true system-wide approach, enabling communities to target resources to their most pressing local needs. This important program funds state and local law enforcement, including multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, juvenile delinquency and drug treatment programs. In fact, it is the only source of federal funding for multi-jurisdictional task forces and prosecutors.

COPS, together with Byrne-JAG program, give state and local law enforcement the necessary funding to truly assist their efforts to keep our nation's communities safe.

In addition to fighting domestic crime, law enforcement is assuming more duties to protect America's communities against terrorist threats. Law enforcement plays a large role in the mission of the Department of Homeland Security (DHS) to lead the national effort to secure America by preventing and deterring terrorist attacks and to protect against and respond to threats and hazards to the nation. Through three major grant programs provided by DHS, the State Homeland Security Grant Program (SHSGP), the Law Enforcement Terrorism Prevention Program (LETPP), and the Urban Area Security Initiative (UASI), state and local law enforcement receive federal funds to better carry out this mission.

Since the beginning of the 108th Congress in January of 2003, NAPO has had to fight every fiscal year to get Congress and the Administration to fund these vital grant programs. As of fiscal year 2007, the three primary DHS grant programs have been slashed by almost 50% from fiscal year 2003, when these programs received more than \$3 billion in funding. Additionally, funding for DOJ grants has been scaled back by \$1.8 billion since 2001. Specifically, funding for the Byrne grants has been cut by more than 83 percent, from \$1.023 billion to \$170 million in fiscal 2008, and the COPS program has been cut by more than 43 percent, from \$1.027 billion to \$607 million.

This steep reduction in funding has occurred despite the fact that state and local law enforcement play an increasingly important role in homeland security, continue to fight against drugs and domestic crime, and endure pressing state budget constraints.

Recent Legislative History:

111th Congress (2009-2011)

- **S. 167**, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program. Introduced by Herb Kohl (D-WI) on January 8, 2009.
- **H.R. 1139**, the "COPS Improvements Act of 2009." Introduced by Anthony Weiner (D-NY) on February 23, 2009.

110th Congress (2007-2009)

- **S. 231**, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant program at FY 2006 levels (\$1.1 billion) through 2012. Introduced by Dianne Feinstein (D-CA) on January 9, 2007. 5/24/2008 passed by the Senate. 7/30/2008 passed by the House. 7/30/2008 became Public Law 110-294.
- **H.R. 3546**, House companion bill to S. 231. Introduced by Hank Johnson (D-GA) on September 17, 2007. 6/25/2008 passed by the House by a vote of 406-11.

- **S. 368**, the “COPS Improvements Act of 2007.” Introduced by Joseph R. Biden, Jr. (D-DE) on January 23, 2007.
- **H.R. 1700**, House companion bill to S. 368. Introduced by Anthony D. Weiner (D-NY) on March 26, 2007. 5/15/2007 passed by the House by a vote of 381-34.

NAPO Position: Initiatives to put and maintain more officers on the street, promote community policing and fight crime should be continued. Most law enforcement officials and the public recognize the benefits of putting more police on the street. The steady decline of violent crime from 1993- 2003 is evidence of the success of the COPS and Byrne-JAG programs. However, the recent steep increase in violent crime rates in 2004-2006, as indicated by the recent FBI Uniformed Crime Reports, forces us to recognize the fact that we must not become complacent with our past success. There is still much work to be done and we will continue to fight for the resources needed to serve our communities efficiently and effectively.

The dispute over continuing the COPS program and the Byrne-JAG program is part of a larger argument on the merits of federal funding to state and local law enforcement. While the Administration argues that federal monies should go through the Governors for distribution, NAPO has stressed the importance of local funding programs. If monies are focused only to the state level, as DHS grant funds are, the bureaucracy, politics, and time entailed will only delay the receipt of needed funds and remove local decision-making authority from those who know local needs best. In a time when heightened terrorist alerts threaten citizens and city budget coffers alike, funds to combat terrorist threats should not be delayed by trickling down from the State governments while the majority of first responders defend cities and towns.

NAPO supports fully funding these vital DOJ and DHS state and local law enforcement assistance grant programs. Furthermore, NAPO endorses allocating Homeland Security grant funds to states and regions based on threat assessment, vulnerability and consequences, rather than a broad-based political formula.

NAPO will continue to fight for increased funding for these critical programs for fiscal years 2010 and 2011 through the passage of bills like those noted above, as well as through the federal appropriations process.

FULL FUNDING FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) GRANT PROGRAM

Background: Every day, law enforcement officers are confronted by violent criminals armed with deadly weapons. To date, more than 3,000 law enforcement officers have survived shootings thanks to their bullet resistant vests. Those officers are only a fraction of the over 800,000 law enforcement officers who put their lives at risk every day to protect our nation’s communities. While many officers are protected by bullet-resistant armor, an alarming number of officers, many in small departments across the United States, are not afforded this same protection because of local budget constraints. To make matters worse, in August 2005, the Justice Department announced the results of tests indicating that Zylon-based vests fail to provide the advertised level of ballistic resistance. Law enforcement departments have needed to replace their Zylon-based vests in order to protect the lives of their officers.

In 1998, with NAPO’s support, Congress enacted legislation that created a grant program through the Department of Justice to help fund efforts by state and local law enforcement to purchase bullet

resistant vests for their officers. Since the program's inception, it has provided officers in over 16,000 jurisdictions around the nation with over 818,000 new bullet resistant vests. In 2008, Congress extended the life of this vital program for the second time until 2012.

While the Bulletproof Vest Partnership Grant program is authorized at \$50 million per year, the program has been receiving, on average, only half of that amount, leaving thousands of police departments and agencies unable to help their officers purchase vests. The BVP program needs to be fully funded at its authorized level of \$50 million in order to safeguard the lives of America's law enforcement officers by ensuring that they get the protection they need.

Recent Legislative History:

110th Congress (2007-2009)

- **H.R. 6045**, the "Bulletproof Vest Partnership Grant Act." Introduced by Peter Visclosky (D-IN) on May 13, 2008. 9/26/2008 passed by the House by a vote of 404-2. 9/30/2008 passed by the Senate. **10/15/2008 became Public Law 110-421.**
- **S. 3012**, Senate companion bill to H.R. 6045. Introduced by Patrick Leahy (D-VT) on May 13, 2008.

NAPO Position: As in 1998, NAPO supported Congress's reauthorization of this important grant program in 2004 and 2008. Over the past decade, this important program has help protect the lives of nearly a half million officers. The fully funding the Bulletproof Vest Partnership Grant program will ensure that all of America's law enforcement officers get the life-saving protection they need. However, NAPO believes that Congress should take this one step further and guarantee that law enforcement officers will always get the protection they need by making the Bulletproof Vest Partnership Grant a permanent program within the Department of Justice.

This important grant program has enabled small and large law enforcement departments alike to obtain protective equipment to safeguard their officers. However, the current budget proposals do not come near the funding necessary to meet the annually growing need for vital assistance. The BVP grant program needs to be made permanent, and needs to be fully funded to its authorized level of \$50 million.

RETIREMENT SECURITY

MANDATORY SOCIAL SECURITY TAXES ON PUBLIC SAFETY WORKERS

Background and Position: The Social Security program is an important source of future retirement security for millions of Americans. NAPO realizes that the program needs to be restructured and its financing put on sound footing for future generations of retirees, in view of the projections that by the year 2041 the Social Security Trust Fund will be exhausted. We commend the President and the Congress for their efforts to consider various alternatives.

NAPO supports a long-term solution, *so long as* such a solution does not mandate that all or some state and local government employees, including newly hired ones and their employing agencies, be required to pay Social Security taxes. Adding presently non-covered public safety workers will not

fix the basic problems of Social Security. While it will bring new workers into the Social Security system, the system will also have to assume a liability for these new workers which will eventually have to be paid.

Forcing state and local governments and employees to pay a combined 12.4 percent tax would have major consequences. Specifically, mandating Social Security taxes on the 70 percent of public safety officers not presently covered would have a dramatic and negative impact on the recruitment and retention of well-qualified public safety officers. In addition, it would constitute an unfunded mandate on public safety agencies, amounting to more than \$1 billion in the first year alone. Under a mandatory Social Security system, law enforcement officers would pay more for fewer benefits, when compared to their current pension plans.

Even if Social Security taxes were limited to new hires, the likely consequences of mandatory Social Security taxes--reduced benefits, lower salaries, or frozen cost-of-living increases--would make law enforcement and fire safety work less financially desirable. It makes no sense whatsoever to tamper with a system of pension funds that is working well and paying needed benefits to those who serve and protect the public.

Points in Support of NAPO's Position:

- State and local governments were excluded from the Social Security Act of 1935 for two reasons. First, there were (and still are) questions as to the extent to which the federal government could tax state and local governments. Second, many state and local governments had their own excellent pension systems. The 1950 amendments to the Act allowed these governments to participate voluntarily in Social Security and a number have joined the system. Then, in July of 1991, Social Security was made mandatory for state and local government employees who do not participate in any employer/employee retirement system.
- Social Security was not designed for and does not address the special needs of law enforcement officers as follows:
 1. Officers and their families need the security of service-connected disability and death benefits. Social Security benefits do not provide anywhere near the same level of benefits of current public safety pension plans, and provide no disability benefits unless one is totally unable to perform any work, not just public safety work.
 2. Social Security is not appropriate for public safety officers who normally retire prior to or around 55 years of age, due to the stresses, dangers and injuries of the job. Unlike current plans where officers may retire after 20 or more years of service, Social Security will not pay these individuals until they reach 62, 67, or even 70 years of age. Forcing police officers to work until the age of 70 will negatively impact public safety.
- A majority of government entities would both pay the newly imposed 6.2 percent tax (the employer's half of the 12.4 percent Social Security tax) and retain their current pension systems, because they are required by law or collective bargaining agreement to do so. Imposing Social Security taxes on these state and local governments would strain their budgets and would have serious consequences on the pay and working conditions of their public safety officers. (For example, it is estimated that California governmental entities and their newly hired employees would have to pay \$440 million in new Social Security taxes, if newly hired workers were covered.)
- Because raising taxes to make up the difference is not politically feasible, state and local governments would likely take two or more of the following actions: (1) decrease the number of

public safety officers to retain current pay levels and benefits; (2) reduce the pay of law enforcement officers, (3) freeze future cost-of-living increases; or (4) not provide public safety officers with the essential equipment (such as bullet resistant vests) and resources needed to effectively perform their work.

- Officers would automatically suffer a *de facto* pay decrease through the newly imposed 6.2 percent tax (the employee's half of the 12.4 percent Social Security tax), and it would become more difficult to retain the best qualified officers.
- Most of the remaining state and local governments would pay the 6.2 percent tax by reducing proportionally their contributions to current pension systems. Trying to blend the special needs of actuarially funded pensions systems with the structure of Social Security would create serious complications and costs for benefit design and administration, as well as collective bargaining. And over time, mandatory Social Security taxes, even if applied to only new hires, would threaten the financial viability of sound, secure, and long-standing retirement systems, eventually destroying the existing retirement and disability benefits for public safety officers.
- Reducing employer and employee contributions to current pension plans in order to pay Social Security taxes would have serious repercussions for those employees already having vested rights and would make it difficult to recruit the best candidates for public safety work. Over time, the increasing transfer of significant contributions (of both employers and employees) from the pension funds to Social Security would severely reduce the investment income, as more grandfathered employees in the current systems retire and new employees covered by Social Security are hired to replace them. This would cause pension funds to be under-funded and would reduce benefits, seriously harming the future benefits paid to retirees.
- Significantly scaling back and reducing current retirement pensions, death benefits, and line-of-duty disability pay for public safety officers, even if done only for new hires, would provide public safety officers and their families with much less protection. This would cause law enforcement and firefighting to become much less desirable as careers. Retention of current public safety officers and recruitment of new officers would therefore become difficult.

Recent Legislative History: In the 109th Congress, with NAPO's support, on March 3, 2005, eleven Senators urged the Senate Finance Committee not to support mandatory Social Security coverage for state and local workers. Senators Dianne Feinstein (D-CA) and George Voinovich (R-OH) led the effort and were joined by Mike DeWine (R-OH), Richard Durban (D-II), Barack Obama (D-II), Edward Kennedy (D-MA), Christopher Dodd (D-CT), Kit Bond (R-MO), James Inhofe (R-OK), Mary Landrieu (D-LA), and Ken Salazar (D-CO).

GOVERNMENT PENSION OFFSET and WINDFALL ELIMINATION PROVISION LEGISLATION

Background: The Government Pension Offset (GPO) reduces public employees' Social Security spousal or survivor benefit by two-thirds of their public pension. This often has a troubling effect on a law enforcement officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all of the payment. Because of their profession, many law enforcement officers do not pay into Social

Security; however, if they had not served at all, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the Windfall Elimination Provision (WEP). Although most law enforcement officers retire after a specific length of service, usually while in their early to mid fifties, many look for new opportunities to serve their community. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended as a "leveling" response but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouse paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

Recent Legislative History:

111th Congress (2009-2011)

- **H.R. 235**, the "Social Security Fairness Act of 2009." Introduced by Howard Berman (D-CA) and Howard McKeon (R-CA) on January 7, 2009.
- **S. 484**, Senate companion bill to H.R. 235. Introduced by Dianne Feinstein on February 25, 2009.

110th Congress (2007-2009)

- **H.R. 82**, the "Social Security Fairness Act of 2007." Introduced by Howard Berman (D-CA) on January 4, 2007.
- **S. 206**, Senate companion bill to H.R. 82. Introduced by Dianne Feinstein (D-CA) on January 9, 2007.
- **S. 1254**, the "Government Pension Offset Reform Act." Introduced by Barbara Mikulski (D-MD) on May 1, 2007.
- **H.R. 2988**, House companion bill to S. 1254. Introduced by Albert Wynn (D-MD) on July 10, 2007.

NAPO Position: NAPO supports the efforts of Senator Feinstein and Congressmen Berman and McKeon to totally repeal the GPO and WEP from Title II of the Social Security Act and will continue to actively work to see the passage of this legislation. NAPO also stood behind the efforts of Representative Wynn and Senator Mikulski in the 110th Congress to eliminate the GPO for combined monthly benefits of \$1,200 or less. NAPO supported indexing the \$1,200 figure for future increases in the cost of living, a provision contained in the Wynn and Mikulski bills.

CRIMINAL JUSTICE

GANG DETERRENCE AND PREVENTION

Background: Recent studies on gangs have estimated that over 25,000 different gangs, comprising over 750,000 members, are active across the United States. 100 percent of all cities larger than 250,000 population have reported gang activity, and approximately half of those cities stated their gang problem was getting worse. Compounding this problem, gangs have been directly linked to narcotics trade, human trafficking, identification document falsification, violent maiming, assault and murder.

Congressional action is necessary to reduce gang violence by creating new High Intensity Interstate Gang Activity Areas (HIIGAAAs) to facilitate cooperation between federal, state and local law enforcement. Additionally, new gang prosecution statutes need to be created, focusing on street gangs and increase the penalties for violent gang crimes, strengthening prosecutors' ability to combat gang activities. Federal support is essential to support law enforcement anti-gang efforts and provide necessary resources for community-based gang prevention and intervention programs. The enactment of such provisions will greatly assist state and local law enforcement in their efforts against gang expansion and violence.

Recent Legislative History:

111th Congress (2009-2011)

- **S. 132**, the "Gang Abatement and Prevention Act of 2009." Introduced by Dianne Feinstein (D-CA) on January 6, 2009.
- **H.R. 1022**, the "Gang Prevention, Intervention and Suppression Act." Introduced by Adam Schiff on February 19, 2009.

110th Congress (2007-2009)

- **S. 456**, the "Gang Abatement and Prevention Act of 2007." Introduced by Dianne Feinstein (D-CA) on January 31, 2007. 9/21/2007 passed by the Senate.
- **H.R. 3547**, the "Gang Prevention, Intervention, and Suppression Act." Introduced by Adam Schiff (D-CA) and Mary Bono (R-CA) on February 7, 2007.

NAPO Position: NAPO supports the efforts of Senator Feinstein and Congressman Schiff by continuing to fight for the passage of this important legislation and looks forward to working with them to ensure that law enforcement is given the support it needs in the fight against gang violence.

EXTRADITION OF COP- KILLERS

Background: Under the U.S. – Mexican Extradition Treaty, enacted in 1980, both countries may refuse to extradite their nationals unless the country seeking extradition assures that the death penalty will not be imposed. In 2001, the Mexican Supreme Court ruled that this language encompasses the extradition of anyone who faces the possibility of the death penalty *or* life in prison. Due to this, in order to prosecute a criminal who has fled to Mexico, the United States would have to assure a sentence of a fixed number of years, which is impossible as neither a judge nor a prosecutor can make such a call in advance.

Since 2001, many violent felons have fled to Mexico to evade prosecution under the auspices of this ruling. The murder of Los Angeles County Deputy Sheriff David March in April 2002, and the subsequent flight of his killer to Mexico to evade prosecution is an unfortunate reminder that the apprehension of criminals and the execution of justice should not be hampered by rulings which offer virtual safe havens for criminals who are fleeing the obligations of the law.

NAPO continues to lobby the Administration and Congress to reconsider the U.S. – Mexican Extradition Treaty and to encourage the Mexican government to work with the Mexican Supreme Court to reconsider its 2001 decision blocking extradition to the United States.

Recent Legislative History:

110th Congress (2007-2009)

- **H.R. 1149**, the “Justice for Peace Officers Act.” Introduced by David Dreier (R-CA) on February 16, 2007.

NAPO Position: NAPO is pleased that on January 9, 2007, Jorge Arroyo Garcia, the fugitive wanted for the murder of Deputy Sheriff David March, was extradited from Mexico to the United States. Sadly, many other fugitives remain at large.

Federal action is the way to ensure that this growing issue of the United States government’s inability to extradite violent criminals who flee to Mexico is rightly addressed. NAPO actively supports the efforts of California’s Members of Congress to urge the Administration to address this issue and bring to justice the murderers of American police officers.

ADDITIONAL ISSUES OF INTEREST TO LAW ENFORCEMENT

ADDING HEALTHCARE BENEFITS TO THE PUBLIC SAFETY OFFICERS’ BENEFITS ACT

The Public Safety Officers’ Benefits (PSOB) Act was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American society places on the contributions of those who serve their communities in potentially dangerous circumstances. The families of public safety officers who have fallen or have become completely and permanently disabled in the line of duty rely on the benefits promised to them by the PSOB to continue on with their lives and make ends meet.

The PSOB not only provides death benefits to the eligible survivors of public safety officers, but also financial assistance for higher education for the spouses and children of federal, state, and local public safety officers through the Public Safety Officers Education Assistance (PSOEA) Act. Healthcare coverage as a PSOB benefit is now becoming increasingly necessary, given the continuously escalating costs of healthcare.

Healthcare coverage as a PSOB benefit would remove a great financial burden from the loved ones of those who so selflessly gave their lives for the safety of our communities. NAPO adopted support

for this change as a resolution at our 2005 Annual Convention and has since worked with Congressman Bart Stupak of Michigan to add healthcare coverage as an additional and much needed benefit to the PSOB in order to provide further protection to law enforcement officers and their families. We will continue to actively support this legislation until it is passed.

FEDERAL CONSENT DECREE FAIRNESS ACT

Consent decrees are for remedying violations of rights and protecting the party who faces injury. They should not be used to further any policy extraneous to the protection of those rights or be expanded to apply to parties not involved in the litigation. State and local governments have often found their interests and judgments in managing their own affairs trampled on by the federal courts in the structuring of consent decrees. This legislation amends chapter 111 of title 28, United States Code, to limit the duration of federal consent decrees to which state and local governments are party.

There is a tendency for consent decrees to take on a life of their own and to last longer than the period of time required to fix the original problem. Often, this imposes heavy costs on the agencies involved and also affects the services they provide to the public. NAPO supports the efforts of Senator Lamar Alexander (R-TN) and Representative Roy Blunt (R-MO) to limit the length of consent decrees and to protect the interests of state and local governments in managing their own affairs.

PROTECTION OF LAW ENFORCEMENT OFFICERS' PRIVACY

Law Enforcement Officers Personnel Records Privacy: We are urging a federal statute or rule similar to that contained in the California code which would protect law enforcement officers from overly intrusive discovery in federal court (civil and criminal) by allowing a judge to order that truly relevant information be made available only after review or redaction by the court. Allowing officers' personnel records to be viewed publicly not only violates the rights of officers involved in inquiries, but also makes them subject to prejudiced judgment that can unfairly ruin their good reputation. It can also expose officers and their families to real and threatened assaults and attacks. This issue is of growing concern to NAPO members.

Internet Police Officers Protection Act: In 2004, the New York Daily News reported a website listing law enforcement officer addresses and other personal information. NAPO believes there is a compelling and legitimate governmental interest in ensuring that law enforcement officers are protected on and off the job. There is legitimate concern that the posting of personal information about officers could easily be used to intimidate the officers and endanger their families. Free speech does not include the ability to terrorize officers.

Congressman Anthony Weiner (D-NY) first introduced legislation in the 109th Congress which would prohibit the posting of such material, and empower law enforcement agencies to compel internet service providers to prohibit access to such sites – in case the information is posted on a foreign server. NAPO continues to work with Congressman Weiner to ensure that the private information of law enforcement officers and their families is shielded from unfair and dangerous public disclosure.

STATES' RIGHTS & THE SECOND AND TENTH AMENDMENTS

Repeal of the “Lautenberg Amendment”: Many federal laws contain different prohibitions on the possession or ownership of firearms and ammunition, but traditionally they have been subject to exemptions when such equipment is used and possessed by law enforcement officers in the course of their official governmental duties. In the closing hours of the 1996 fiscal year (104th Congress), as Congress rushed to complete a spending bill that would allow the federal government to remain in operation, Representative Bob Barr (R-GA) quietly added an amendment to Senator Frank Lautenberg’s (D-NJ) spending measure. The amendment, which passed as part of the larger bill without notice or public discussion, stripped all law enforcement officers in the nation of their ability to carry a firearm on duty if they had ever been convicted of any misdemeanor domestic violence offense. The law was also imposed retroactively, causing officers to lose their jobs without notice, and even when their agencies wanted to keep them.

While any domestic violence act is to be deplored, Barr’s 1996 amendment improperly segregated one level of one offense from all others concerning official use exemptions for firearms and should be repealed. The decision as to who is eligible to enforce state and local laws for state and local agencies should be made by those same state and local agencies, not the federal government.

For information on the legislative history of these issues please contact the NAPO office at (800) 322-NAPO (6276)

SAMPLE LETTER

(Date)

The Honorable _____
United States Senate
Washington, D.C. 20510

Dear Senator _____:

OR

The Honorable _____
United States House of Representatives
Washington, D.C., 20515

Dear Representative _____:

On behalf of the *(your association or union)*, representing *(# of officers)* from *(your state or city)*, I would like to bring to your attention an issue of extreme importance to the law enforcement community. As Congress considers the *(name of issue and/or bill number)*, I respectfully ask that you *(support or oppose)* passage of this legislation.

(In this paragraph, discuss reasons for supporting or opposing the legislation)

I hope that you will *(support or oppose)* passage of *(name of issue and/or bill number)*. Thank you for your consideration. I look forward to hearing your views on this matter and would be happy to provide any further information you may need.

Sincerely,

(Your name and address)

Please send a copy of your Congressional correspondence and any responses you receive to the NAPO office to assist our legislative efforts.