



The Washington Report

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

June 18, 2008

NAPO CONTINUES FIGHT TO RESTORE VITAL BYRNE-JAG FUNDING

Despite Congress's failure to provide sufficient funding for the Byrne-JAG program for fiscal 2008, the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security marked up a bill that will reauthorize the Byrne-JAG program at \$1.1 billion annually through fiscal 2012. On May 22, the Subcommittee approved H.R. 3546, the House companion bill to S. 231, which the Senate passed in May of last year.

By reauthorizing the program, Congress is rejecting the administration's attempt to zero out the Byrne-JAG grants. While NAPO appreciates lawmakers' endorsement of this vital state and local law enforcement grant program, the act of authorization without appropriation amounts to little more than appeasement. NAPO strongly believes that Congress would better show its support for our nation's law enforcement by restoring necessary funding to Byrne-JAG in fiscal 2008, followed by fully funding it at the authorized level of \$1.1 billion in fiscal 2009.

Since January, NAPO has made a concerted effort to work with lawmakers to restore the funding cut from the Byrne-JAG program in the fiscal 2008 appropriations measure. NAPO focused on the emergency war supplemental as the best vehicle to add funding back to the program. NAPO took a step toward achieving that goal when the Senate voted by an overwhelming margin of 75-22 to include \$490 million in additional funding for the Byrne-JAG program in the emergency supplemental.

The House is expected to take up the bill before Congress adjourns for the July 4 recess; however, they are expected to take up a scaled back version which does not include the Byrne-JAG funding. The House leadership cut the Byrne-JAG funding from the bill when the President reissued his threat to veto the bill if it included more than the funding he requested for the war in Iraq and Afghanistan. Despite NAPO's efforts and the strong bipartisan support we have garnered for including the Byrne-JAG funding as part of the supplemental bill, House Democratic leadership is standing firm in its position so they are not seen as being responsible for holding up funding for our troops.

As the Byrne-JAG program is the only comprehensive federal crime-fighting program, NAPO is exceedingly concerned about the consequences that America's law enforcement will face when it runs out of funding, which is expected to happen by mid-July. 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.

The \$170 million appropriated by Congress for fiscal year 2008 is insufficient to meet the growing needs of our nation's law enforcement. This deep cut in funding has already resulted in the closing of drug and gang task forces in California, Nevada, and Texas and throughout the Mid-West, at a time when those forces were making tremendous strides in the fight against crime. States and municipalities are being forced to contemplate laying-off law enforcement officers because of tightened budgets due to the lack of Byrne-JAG money. Additionally, cold case units, identity theft investigations, school violence prevention programs, and victim and witness protection services are all now feeling the strain of this cut.

The lack of funding for the program is starting to dismantle the progress that law enforcement has made in the fight against crime. Emergency funding for this vital program for fiscal 2008 is necessary to help law enforcement sustain and build upon the tremendous strides they have made in keeping our communities safe.

NAPO continues to work with Congress and the Administration to find a way to provide necessary additional funding for the Byrne-JAG program and support America's law enforcement as our first line of defense against drugs, crime and terrorism.



EXECUTIVE DIRECTOR'S REPORT

SENATE PARTISANSHIP STALLS PUBLIC SAFETY COLLECTIVE BARGAINING BILL

On May 13, the Senate began what looked like a promising debate of the Public Safety Employer-Employee Cooperation Act (H.R. 980), a bipartisan bill that will guarantee that law enforcement officers, firefighters, and emergency medical service workers in all 50 states have the right to discuss workplace issues with their employers. During the debate, however, the bill was unfortunately caught up in partisan politics. The Republicans pushed their

minority right to amend the bill, but a select few, led by Senator Michael Enzi (R-WY), took incredible steps to do so by offering countless non-germane and poison pill amendments to the bill. Senate Majority Leader Harry Reid (D-NV) became furious with these tactics and after only a day of deliberation, he threatened to end debate on the bill.

Knowing that ending the debate would kill our chances to pass H.R. 980, NAPO reached out to both Majority Leader Reid and Minority Leader Mitch McConnell (R-KY) to urge them to come to an agreement so that debate could continue on the bill in a fair and timely manner. On the night of May 15, Senators McConnell and Reid had a colloquy on the Senate floor regarding the desire of both sides to come to an agreement and move forward with debate on the Collective Bargaining bill. However, this public show of support for moving forward on the bill was

ineffective and did not sway Senator Enzi to agree to come to an agreement on the number and type of amendments to be debated. Despite several attempts by Senator Kennedy's staff to negotiate a deal, Senator Enzi still has not budged.

Senator Reid has assured NAPO that he has not given up on the Collective Bargaining bill and will bring it up again on the Senate floor once an agreement is reached. NAPO has also heard from Senator McConnell that he is encouraging Senator Enzi to come back to the negotiating table. Additionally, we are urging the eleven Republican cosponsors of this bill to press for an agreement. NAPO believes that if a deal is reached on the structure of debate of H.R. 980, we still have a strong chance to pass this important bill.

H.R. 980 provides a framework for workplace discussions between public safety employees and their employers, while respecting the right and flexibility of states to write their own laws for public sector workers. States that offer equal or greater collective bargaining rights will be exempt from this federal statute. This legislation will not overturn current collective bargaining laws – it will only provide basic collective bargaining rights to those who currently do not have them.

NAPO firmly believes that the public safety is best protected through effective partnerships between first responders on the front lines and the agencies that employ them. H.R. 980 will ensure that all public safety officers have the opportunity to meet with local officials to discuss how they do their jobs and how best to protect the public. In July of last year, NAPO finally got the Public Safety Employer-Employee Cooperation Act passed by the House - the first time in the 13 years we've been fighting for its passage that the House has passed the bill. As the fight continues in the Senate, NAPO is doing everything in its power to ensure passage of this important bill in order that all public safety officers are granted the right to collectively bargain.

NAPO will provide updates on this legislation as they are known. If you have any questions or need more information, please contact Andy Mournighan, NAPO's Government Affairs Director, at (703) 549-0775.

CONGRESS LOOKS TO EXPAND AND IMPROVE NATION'S DNA NETWORK

Congressman Weiner Introduces "DNA Expansion and Improvement Act" (H.R. 5981)

On May 6, Congressman Anthony Weiner (D-NY) introduced legislation that will reauthorize vital DNA-related grant programs under the Justice for All Act of 2004, which authorized more than \$1 billion over the past five years to eliminate the DNA backlog crisis and improve and expand the DNA testing capacity of federal, state and local crime laboratories.

In 1998, the FBI created the Combined DNA Index System (CODIS) which allows forensic labs and law enforcement to compare DNA evidence against a national database in order to solve previously unrelated cases or discover already-convicted felons. According to the Bureau of Justice Statistics, between 1998 and 2000 alone, there has been a 73 percent increase in case work, and a resulting 135 percent increase in case work backlogs, with many of the DNA samples relating to sexual assault and murder cases.

Current advances in forensic work have made DNA testing a core part of any criminal investigation. However, as more case work samples are collected and the backlog continues to grow, many state and local law enforcement agencies are finding that they are unable to cope with all of the evidence and are struggling to meet the high laboratory costs. The “DNA Expansion and Improvement Act of 2008” works to address these serious issues by providing state and local agencies the funding necessary to purchase or update forensic DNA technology. Importantly, these funds can be used to hire, train, and retain crime lab personnel. Furthermore, this legislation will reauthorize the DNA Identification of Missing Persons Program.

Senator Vitter Introduces Two Bills to Expand President’s DNA Initiative

The President’s Advancing Justice through DNA Technology Initiative calls for increased funding, training and assistance to law enforcement, forensic labs, medical professionals, victim service providers, prosecutors, defense attorneys, and judges. In promoting the use of DNA to more effectively solve crime, protect the innocent, and identify missing persons, the President's initiative aims to: eliminate the current DNA backlog; improve the capacity of crime laboratories to more efficiently analyze DNA samples; stimulate research and develop new DNA technologies; and develop training and provide assistance about the collection and use of DNA evidence to criminal justice professionals.

On May 10, Senator David Vitter (R-LA) introduced two bills, the “Funding DNA Technology Initiative Act” (S. 3105) and the “DNA Felony Collection Act” (S. 3104), which will enhance the President’s DNA Initiative. The first bill will fully fund the President’s Initiative at its authorized level of \$1 billion. The second bill requires that every state collect a DNA sample from an individual convicted of a felony under the laws of that state, and include the DNA sample in a state or federal database. Currently six states – Idaho, Kentucky, Nebraska, Nevada, New Hampshire and Pennsylvania – do not collect DNA samples from every convicted felon.