



The Washington Report

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

March 12, 2018

NAPO Participates in Roundtable with Attorney General on School Safety

On March 8, NAPO Executive Director Bill Johnson attended a roundtable discussion with Attorney General Jeff Sessions and other law enforcement representatives to discuss the best practices and policies for ensuring school safety. NAPO was one of only two rank-and-file organizations in attendance, all other participants (more than a dozen) representing management.

The two-hour meeting was an open exchange of ideas and information on how best to secure our nation's schools in the wake of the latest school shooting at Marjory Stoneman Douglas High School in Parkland, Florida. Much of the discussion focused on training, law enforcement presence and information sharing as the best ways to prevent and respond to an active shooter situation at a school. The majority of participants were in agreement that the only armed individuals in schools should be trained law enforcement officers or school resource officers (SROs) and that there is a need to increase the number of officers or SROs in our nation's schools. There was some talk about the need to increase funding to enable more schools and communities to have such a law enforcement presence, including the possibility of using Department of Education grants that are available to address and prevent school violence.

The dominant theme of the conversation was the need for better information sharing and breaking down barriers so that the various aspects of the system can talk. There is an inability to share information, particularly between school administrations and staff, public safety, and mental health professionals. The group recommended to the Attorney General that there be increased information sharing and collaboration among state and local communities, educators, mental health officials, and law enforcement to better provide care and detect, intervene, and respond to potential acts of violence in schools. Guidance from the federal government on such information sharing so that privacy laws and individual's civil rights are not violated would greatly assist in this effort. Also recommended was the need to provide better mental health services and make them more accessible so that those who need care can get it when they need it.

The training of law enforcement agencies and schools on responding to active shooter events was also a significant topic of discussion. Johnson pointed out that not only should law enforcement agencies and school administrators be trained and understand how best to respond in such a situation, but students should also be drilled in what to do when faced with an active shooter.

Johnson touched on the need for government agencies at all levels to properly use the tools we have now, including uploading the necessary information to NICS and actually paying attention to and acting upon the

information shared through NICS. He also spoke on closing background check loopholes, such as those at gun shows, to ensure that those individuals who should not have guns under current law are not able to obtain them.

In the end, it is law enforcement working with school administrators and staff on a consistent basis, both in practice and information sharing, that will help keep our schools safe.

NAPO appreciates the Attorney General taking the time to discuss and consider state and local law enforcement's suggestions and recommendations as to how the federal government can best support its partners in protecting our nation's schools and students. We look forward to working with him to put these recommendations into action.

If you should have any questions about the meeting, please contact Bill Johnson at bjohnson@napo.org

Victory! Fifth Circuit Court of Appeal Sides with NAPO Regarding Officer Immunity from Civil Suit

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 Southaven, 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. NAPO's brief asked 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.

The U.S. Court of Appeals for the Fifth Circuit did review the case in response to NAPO's *amicus* brief and agreed with us and changed their holding and opinion. The [new opinion](#), which was issued on March 5, extends immunity to the officers from civil suit. This is a significant win for law enforcement.

If you have any questions on this case, please contact Bill Johnson at bjohnson@napo.org.

NAPO Joins DOJ Law Enforcement Working Group

NAPO was asked to participate in a Department of Justice (DOJ) Law Enforcement Working Group, put together by Principal Deputy Assistant Attorney General Alan Hanson, head of the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) Director Jon Adler, and Associate Deputy Attorney General Steve Cook at the request of the Attorney General. Along with NAPO, the Working Group consists of representatives of other national law enforcement organizations and DOJ staff and it will meet quarterly to discuss relevant issues facing officers in the streets and how the DOJ can best assist its state and local law enforcement partners.

The first Working Group meeting took place on March 7 and it focused on the Department's current efforts regarding civil asset forfeiture accountability and where the Department is on issuing training for state and local law enforcement agencies on how to properly submit asset forfeitures for adoption. Also discussed were the Department's efforts to protect forensic science as we know it, new tools to help federal, state and local law enforcement fight opioids in our communities, and officer safety and wellness.

NAPO appreciates being invited to participate in the Working Group as we believe it is another important step in the DOJ's efforts to forge a new and better relationship with state and local law enforcement. We look forward to our work with the Department and our fellow law enforcement partners through this Working Group.

NAPO on the Hill: National Police Week Priorities

NAPO, together with other law enforcement organizations, met with staff of **Speaker Paul Ryan (R-WI), Senate Majority Leader Mitch McConnell (R-KY), Senate Minority Leader Chuck Schumer (D-NY), Senator Pat Toomey (R-PA),** and **staff of the House and Senate Law Enforcement Caucuses** to discuss our priority legislation for this Congress, in particular, pro-law enforcement legislation we want to see moved leading up to or during National Police Week. Given the timeframe, the legislation we want to move during Police Week are those bills that are bipartisan and have the support of the Judiciary Committee so that they can move quickly to the House and Senate floors.

We discussed the Children of Fallen Heroes Scholarship Act, the Protecting Lives Using Surplus (PLUS) Equipment Act, possible legislation to reform the delivery of the Public Safety Officers' Benefits (PSOB) Program to disabled law enforcement officers, draft legislation to provide federal health benefits to officers severely disabled in the line of duty, and legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers:

The Children of Fallen Heroes Scholarship Act would eliminate the expected family contribution (EFC) used to determine financial need in the case of a Pell Grant-eligible student whose parent or guardian died in the line of duty. Additionally, children of public safety officers who died in the line of duty would qualify for the maximum Pell Grant award (\$5,815 for FY16-17) if he or she was less than 24 years old or enrolled at an institution of higher education at the time of the parent or guardian's death.

The PLUS Equipment Act / Lifesaving Gear for Police Act would ensure that no president is able to restrict state and local law enforcement's access to surplus military equipment through the Department of Defense 1033 Program and other equipment acquisition programs through the Departments of Justice and Homeland Security without Congressional action. This lifesaving equipment used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This legislation will stop surplus military equipment from being used as a political football every time a new administration is elected. Representative Ratcliffe is the sponsor of this vital legislation.

PSOB disability reform is necessary as the bar established by the Program to award a disability benefit is set too high and flies in the face of the intent of the Program. The current requirement is that the injury must be so severe that the officer is unable to perform any full- or part-time job that is compensated and that the officer must have no chance of getting better. This standard has led to many officers who are permanently and totally disabled being denied PSOB benefits because they are able to perform menial tasks that could qualify as "gainful work" under the definition, but not by societal standards.

DOJ regulations are still pending that may impact the threshold for qualifying for PSOB disability benefits, which is why we have not introduced legislation yet addressing this issue.

Legislation to provide federal health benefits to officers severely disabled in the line of duty is a priority for NAPO as many officers disabled in the line of duty and no longer employed by their public safety agency often find themselves without health coverage for themselves and their families. By providing these officers and their families access to discounted federal health benefits through the Federal Employee Health Benefits Program, it would help remove a great financial burden from the loved ones of those who sacrificed so much for the safety of our communities.

Increased penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. The **Thin Blue Line Act** passed the House in May 2017 and we hope to pass it through the Senate this year. Additionally, we are working to introduced new legislation to add further protections for officers against violent crimes aimed at them.

Staff for both Majority Leader McConnell, Speaker Ryan, and Minority Leader Schumer expressed initial support for our National Police Week bill package and asked to be kept informed of the status of the various bills as we work to move them through the House and Senate. They indicated they were willing to work with us to move these bills in whatever manner possible, we just need to ensure they have the necessary support.

Senator Toomey's staff said that Senator, who sponsors both the Thin Blue Line Act and the Lifesaving Gear for Police Act, will help us move these important bills forward. We also have the support of both the House and Senate Law Enforcement Caucuses. NAPO continues to meet with House and Senate leadership and Committee staff to ensure our ability to move these bills in the run up to National Police Week. If you have any questions about NAPO's meetings on the Hill or the issues addressed, please contact Andy Edmiston at aedmiston@napo.org.

NAPO on the Hill: Funding for MIOTCRA

As the Fiscal 2019 appropriations process begins, NAPO is working with **Representatives Doug Collins (R-GA), Bobby Scott (D-VA), Leonard Lance (R-NJ) and Norma Torres (D-CA)** to garner support for funding the Mentally Ill Offender Treatment Crime Reduction Act (MIOTCRA), one of our priority grant programs through the Department of Justice (DOJ). This vital program improves access to mental health services for people who come into contact with the criminal justice system, and provides law enforcement officers with the tools they need to identify and respond to mental health issues in the communities they serve.

Specifically, MIOTCRA supports crisis intervention teams; supports state and local efforts to identify people with mental health conditions at each point in the criminal justice system in order to appropriately direct them to mental health services; and supports the development of curricula and training for police academies. The need for these resources grows each year and it is imperative that MIOTCRA receive adequate funding in Fiscal 2019.

NAPO is helping to a circulate Congressional sign-on letter in support of funding for MIOTCRA in the House. These letters, known as "Dear Colleagues," are an important way for Members of Congress to express their support for particular programs to the Appropriations Committees at the beginning of the annual funding cycle. For the past several years, this Congressional sign-on letter has attracted broad bipartisan support, which has led to MIOTCRA receiving adequate funding each fiscal year.

This is an important step in the Congressional appropriations process. We will keep you updated on the status of this program as well as our other priority programs as they make their way through the appropriations process.

NAPO's 2018 Legislative Update Breakfast and Lobby Day

May 15, 2018 ~ Omni Shoreham Hotel

Please join NAPO on Tuesday, May 15 for our Legislative Day on Capitol Hill. Use this opportunity to lobby Congressional Representatives and Senators on behalf of your members concerning the issues which affect law enforcement. Prior to lobbying Capitol Hill, plan to attend NAPO's Legislative Breakfast for an update on

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NAPO's legislative priorities, results to date from the 115th Congress and to receive handouts to use during Hill visits. Please note: due to The Annual Wreath Laying Ceremony, also scheduled for May 15, we will not be hosting an Awards Luncheon this year, instead presenting our Legislative Awards in the respective Senator's & Representatives Offices.

Schedule of Events

Registration	Omni Shoreham Hotel	9:00 a.m. - 9:30 a.m.
Legislative Update Breakfast	Omni Shoreham Hotel	9:30 a.m. - 10:30 a.m.
Capitol Hill Visits	Capitol Hill	11:00 a.m. - 4:00 p.m.

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

The registration fee of \$75.00 per person includes the Legislative Update Breakfast and Handouts for Congressional Visits. **Advanced Registration is required.** Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or eloranger@napo.org if you have any questions regarding the seminar or hotel arrangements.

Please Register online or complete [the registration form](#) and return to NAPO at eloranger@napo.org or Fax to (703) 684-0515 by MAY 4, 2018.

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.