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

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President Releases Full FY 2022 Budget Request

On May 28, President Biden released his full proposed [budget for fiscal year 2022](#). The budget proposal includes funding requests for NAPO's priority grant programs within the Departments of Justice and Homeland Security (DOJ, DHS).

In general, the budget proposal for DOJ focuses on supporting police and criminal justice reform initiatives and proposes adequate sustained funding for several of NAPO's priority grant programs, including the Bulletproof Vest Partnership (BVP) Grant Program, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and the Law Enforcement Mental Health and Wellness Act and Supporting and Treating Officers in Crisis (STOIC) Act programs. It also includes a significant funding increase for the Community Oriented Policing Services (COPS) Program, most of which is prioritized for the President's anti-violence and police reform priorities.

The President's budget requests \$513.5 million for the Byrne Justice Assistance Grant (Byrne JAG) Program, with \$148 million in carve outs for several law enforcement related grants. Rather than making these grants standalone programs, their funding is carved out of the larger Byrne JAG program. The carve outs include \$13 million for the Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR) Program, \$20 million for Project Safe Neighborhoods, \$10 million for a state and local law enforcement grant program to provide officer training on responding to individuals with mental illness or disabilities (separate from MIOTCRA), and \$20 million for a grant program to provide law enforcement training on racial profiling, de-escalation and duty to intervene.

For the Community Oriented Policing Services (COPS) Program, the President's budget proposes \$651 million, which is more than double what the program was appropriated in Fiscal 2021. The proposal allocates \$537 million of that for the COPS Hiring Program, out of which \$8 million would go towards the Law Enforcement Mental Health and Wellness Act and Supporting and Treating Officers in Crisis (STOIC) Act programs. It also allocates \$20 million for the Collaborative Reform Program, which provides technical assistance and training for departments to help them address systemic issues, and \$35 million for community policing development.

In his budget, the President is not moving to "defund" the police, but rather he is recommending a significant increase in funding for certain community policing initiatives and directing that funding to supporting police reform policies and practices. For example, the budget would add new conditions and priority preferences for the COPS Hiring Program to focus grant funding to agencies that partner with community organizations to implement community violent intervention (CVI) strategies, which aim to reduce gun violence through

tools other than incarceration, and want to hire officers to dedicate to those strategies. It also prioritizes for funding those jurisdictions that want to implement hiring practices to help law enforcement agencies “mirror the racial diversity of the communities they serve”.

The budget also includes \$95 million to improve police-community relations, which encompasses \$35 million for the Bureau of Justice Assistance Body-Worn Camera grant program and \$35 million for a justice reinvestment initiative for activities related to criminal justice reform and recidivism reduction.

The budget requested funding levels for NAPO’s other priority grant programs:

- Bulletproof Vest Partnership (BVP) Grant Program: \$30 million
- Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA): \$40 million
- Adam Walsh Act: \$20 million
- Comprehensive Addiction and Recovery Act: \$418 million

For the important Department of Homeland Security grants, the budget proposal requests approximately \$594.7 million for the State Homeland Security Grant Program (SHSGP) and \$689.7 million for the Urban Area Security Initiative (UASI), which are increases from Fiscal 2021 levels.

The President’s Fiscal 2022 Budget represents the President’s fiscal priorities, but it is Congress that decides the final appropriations for fiscal 2022. NAPO will work with Congress to ensure we preserve the President’s funding levels for our priority grant programs, while maintaining local discretion on how these funds can best be used to meeting the needs of communities. We continue to work with the Administration to ensure they understand the importance of these programs, and the flexibility that comes with them, to ensuring state and local law enforcement have the resources and equipment they need to effectively serve and protect our communities.

NAPO Priority Bills Move Through Senate

In a victory for NAPO, just prior to leaving town for Memorial Day recess, the Senate passed the **Jaime Zapata and Victor Avila Federal Law Enforcement Protection Act (S. 921)**, sponsored by Senators John Cornyn (R-TX) and Chris Coons (D-DE). This bill would ensure justice is served by applying federal extra territorial jurisdiction to federal murder or attempted murder cases of federal law enforcement officers.

Current federal law outlaws the murder or attempted murder of a federal law enforcement officer during the performance of their duties. This is the law because Congress recognized that any persons contemplating harming a federal law enforcement officer must know that they will face serious punishments. However, when U.S. Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata was killed and ICE Special Agent Victor Avila was wounded in the line of duty while serving in Mexico by members of a Mexican drug cartel, they do not receive the justice they deserve.

The U.S. Court of Appeals for the D.C. Circuit threw out the murder and attempted murder convictions of Special Agents Zapata’s and Avila’s assailants on the grounds that the convictions do not apply outside the country. Allowing cop killers to escape the utmost penalty under law is an affront to the thousands of law enforcement officers who have dedicated their lives to serving our country, at home and abroad.

Jaime Zapata and Victor Avila Federal Law Enforcement Protection Act is a simple fix to a hole in federal law that will ensure that federal law enforcement officers serving abroad receive the same protections as those serving at home. We are working with Congressman Henry Cuellar (D-TX), the House sponsor, on a plan to move this bill through the House.

NAPO continues to work with Senate leadership to pass our other two priority bills that were approved by the Senate Judiciary Committee during National Police Week: the Protecting America's First Responders Act (S. 1511) and the COPS Counseling Act (S. 1502).

The **Protecting America's First Responders Act**, sponsored by Senator Charles Grassley (R-IA), would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits. It would also ensure that beneficiaries receive the highest award amount possible and it will make certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance program.

This legislation was set to pass prior to recess until Senator Rand Paul (R-KY) put a hold on it, stopping the bill from being voted on by unanimous consent. Although we worked closely with Senator Paul last year to address his concerns regarding the cost of the bill, the Senator was not ready to let the bill move forward. We continue to work with the Senator's staff to alleviate his concerns and hope to pass the bill through the Senate next week when it comes back into Session.

The **COPS Counseling Act** does not have any objectors and is expected to be taken up under suspension of the rules and pass the Senate by unanimous consent as early as June 7. This legislation, sponsored by Senator Catherine Cortez Masto (D-NV), would implement confidentiality standards for federal law enforcement peer support counseling programs and direct the U.S. Attorney General to report on best practices and professional standards for state and local peer support counseling programs.

NAPO on the Hill: Police Reform, First Step Implementation Act

Police Reform

Senators Tim Scott (R-SC), Lindsay Graham (R-SC), John Cornyn (R-TX), Cory Booker (D-NJ), and Richard Durbin (D-IL) and Representatives Karen Bass (D-CA), John Rutherford (R-FL) and Pete Stauber (R-MN) continue to hold negotiations on a compromise police reform legislation. Prior to leaving for Memorial Day recess, Senator Scott stated that negotiators must come to an agreement on police reform legislation by the end of June or it is essentially a dead issue.

The main sticking points continue to be qualified immunity and Section 242, the threshold for federal criminal civil rights prosecutions, with Democrats determined to eliminate officer protections under both. However, despite those significant hurdles, staff believes that an outline of an agreement can be reached within the next couple of weeks. We are working closely with Senator Scott's staff and those involved in the conversations and provide our input on the issues being discussed. Republicans remain staunchly opposed to eliminating qualified immunity and to making substantial changes to Section 242.

NAPO continues to reiterate to members of Congress and those negotiating that qualified immunity and Section 242 are red lines for us and they must not be tampered with. We are doing everything we can to safeguard the individual rights of officers. In addition to qualified immunity and Section 242, we are also working to ensure officer due process is protected, officer privacy and confidentiality rights are guarded, and the rights of law enforcement to bargain over accountability and disciplinary actions is not eroded.

We will continue to be actively involved with the staff and Senators participating in the negotiations and ensure our voice is heard. With the end of the month the unofficial deadline for compromise, if and when an agreement is reached, this legislation will come together and move very fast. We will keep you updated on our efforts and will be in touch with any possible requests for action.

First Step Implementation Act

NAPO opposed the FIRST STEP Act when it moved through Congress in 2018 because we believed it made reforms to our nation's criminal justice system that would harm public safety, create more crime in our communities and impose a great resource burden on law enforcement. One of our more significant concerns with the FIRST STEP Act was that it gave the greatest benefits to high-recidivism offenders – most notably, drug traffickers – the most serious of whom received reduced mandatory minimum sentences under the Act in addition to good time credits.

The FIRST STEP Act was signed into law by President Trump in December 2018. With only two years of implementation under its belt, Senate Judiciary Committee Chairman Richard Durbin (D-IL) and Ranking Member Charles Grassley (R-IA) introduced the First Step Implementation Act (S.1014), which would expand upon the FIRST STEP Act. This legislation is being considered by the Senate Judiciary Committee and NAPO is speaking with Committee members to make our concerns with the bill known.

Most concerning, the First Step Implementation Act would make the reduced mandatory minimums enacted by the FIRST STEP Act retroactive. NAPO opposed those sentencing reductions in the FIRST STEP Act as we believe the original mandatory minimums rightly served to punish those who brought the most destruction to our neighborhoods: drug traffickers and dealers or sellers who use violence or weapons, or cause injury to or threaten others. We need to understand the full impact of the sentencing reductions enacted by the FIRST STEP Act, including recidivism rates and the burden on federal, state and local reentry services and public safety before expanding the number of individuals who can benefit from those reductions by making them retroactive.

The First Step Implementation Act also expands upon the safety valve created in the FIRST STEP Act, which allows judges to ignore certain criminal history of individuals and sentence them well below the minimums prescribed by law. Before the safety valve is expanded, we must understand how the current safety valve has been used by judges and whether it has allowed serious criminals to receive reduced sentences that do not match their crime.

NAPO firmly believes we need to see the data on the repercussions of the FIRST STEP Act before expanding it and so we oppose the First Step Implementation Act.

NAPO's Legislative Positions & Sponsor/Cosponsor Updates

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>. NAPO's Legislative Positions is a document that highlights all the legislation that we have taken an official position on or are monitoring during the 116th Congress. It is continually updated to reflect the work we are doing on Capitol Hill.

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO updates this spreadsheet regularly and continues to ensure our voice is heard on Capitol Hill.

NAPO'S 117TH Congress Legislative Priorities Booklet

NAPO's Legislative Priorities Booklet for the 117th Congress is now available on our [website](#). The booklet is an in-depth look at the work NAPO has accomplished for our members over the years and the priority issues we continue to fight for in Congress today. Hard copies will be available at our Annual Convention.

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