



The Washington Report

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

November 3, 2014

NAPO WASHINGTON REPORT

NAPO's Legislative Positions Update

NAPO's updated "Legislative Positions" document can be viewed at the following site: http://www.napo.org/files/6314/1461/2683/Legislative_Positions_FINAL_-_October_29_2014.pdf. The table denotes all status updates in yellow. Also, the updated "Sponsor/Cosponsor" list for the major pieces of legislation NAPO is currently working on in the House and the Senate is available at the following site: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>.

As you will read, there have not been any status changes to the "Legislative Positions" document since NAPO last updated the table on September 29, 2014, as the document was updated after members recessed. However, the Stop Militarizing Law Enforcement Act has been added to the list of legislation we are working. The Senate and House companion bill (S. 2904 & H.R. 5478) would place restrictions and transparency measures on the Department of Defense Program that transfers surplus military equipment to state and local law enforcement agencies. NAPO opposes this legislation as it will inhibit the ability of law enforcement departments to acquire critical equipment that is currently available to state and local law enforcement through the Department of Defense's 1033 Program. Many departments would be unable to afford such equipment without access to the 1033 Program. This equipment is vital to maintaining the daily functions of law enforcement departments, and ensuring the safety of law enforcement personnel and the public they serve. NAPO plans to continue to voice our concerns with this legislation to ensure important resources continue to be made available.

If you have any questions about any of the bills NAPO is working on, please contact Melissa Nee at: mnee@napo.org.

NAPO Meetings on Capitol Hill - Death in Custody Reporting Act

On October 27, 2014, NAPO met with Senate Judiciary Committee staffers for **Senator Patrick Leahy (D-VT)** and **Senator Richard Blumenthal (D-CT)** to discuss our concerns with the Death in Custody Reporting Act (S. 2807), sponsored by Senator Blumenthal. This bill requires states that receive allocations under specified provisions of the Omnibus Crime Control and Safe Streets Act of 1968 to report to the Attorney General certain information regarding the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison. The bill imposes penalties on states that fail to comply with such reporting requirements.

NAPO is concerned about this legislation, which is expected to be reviewed by the Senate Judiciary Committee when Senators return from recess. NAPO feels that this bill will negatively impact the availability of important resources for

law enforcement to use to keep our communities safe. Specifically, NAPO is concerned that the Death in Custody Reporting Act pursues its goals through penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program - a critical resource for law enforcement.

Law enforcement departments across the nation continue to keep our communities safe with scarce resources. This legislation has the potential to jeopardize public safety through Byrne JAG penalties. The Byrne JAG Program provides resources for multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment courts. Losing access to a percentage of this funding will undermine law enforcement's mission to keep the public safe.

We understand the desire for timely and accurate data. However, this effort should not be pursued at the expense of the law enforcement community, which is already operating on limited resources. NAPO's letter of opposition to the bill is attached and can also be viewed at the following link: http://www.napo.org/files/6814/1416/2407/Blumenthal_-_Death_in_Custody.pdf.

We will keep our members updated on the status of this legislation. If you have any questions about this bill, please contact Bill Johnson at: bjohnson@napo.org.

NAPO Meetings on Capitol Hill – Michigan Members

Over the past week, NAPO met with senior staffers for the following members of Congress: **Congressmen Fred Upton (R-MI), Sander Levin (D-MI), Dave Camp (R-MI), Mike Rogers (R-MI), and Dan Benishek (R-MI)**. NAPO continues to pursue our top legislative priorities through the end of this Congress, and ensure that these priorities remain at the top of the Congressional agenda when the 114th Congress begins. NAPO used the aforementioned meetings to outline our highest priorities, which include the following initiatives:

Bulletproof Vest Partnership (BVP) Grant Act: The BVP Grant Program provides Federal funds to state and local law enforcement departments to assist state and local law enforcement efforts to purchase bullet resistant vests. NAPO continues to expend all available efforts to garner additional support for the House and Senate versions of this bill.

Community Oriented Policing Services (COPS) Improvement and Reauthorization Act: This bill would reauthorize the COPS Program for five years and raise the current hiring cap from \$75,000 to \$125,000. The COPS Office has been extremely successful in implementing and carrying out its designated objectives. Since its creation, the COPS Office has assisted over 13,000 of the nation's 18,000 jurisdictions with over \$14 billion in funding to hire more than 125,000 additional officers. Reauthorizing this program will allow for the continuation of a highly successful program that keeps our communities safe.

Justice and Mental Health Collaboration Act (JMHCA): The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) created the Justice and Mental Health Collaboration Program (JMHCP) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. The JMHCA reauthorizes the successful MIOTCRA and extends the JMHCP for five years. The JMHCP can help law enforcement agencies across the United States in their responsibilities in assisting citizens with mental health issues.

Social Security Fairness Act: This bill would strike the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) formulas currently used to calculate Social Security benefits. Both formulas were enacted in the 1980s because Congress was concerned Social Security paid unintended benefits to workers who had spent most of their careers in "non-covered" jobs. However, the formulas go too far and penalize workers with split careers who contributed a great deal to Social Security, but retire under their "non-covered" pensions. By significantly scaling back and reducing Social Security benefits for law enforcement officers and their survivors, as GPO and WEP do, officers and their families are provided much less protection against financial difficulties.

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NAPO appreciated the opportunity to meet with each of the staffers, and looks forward to continuing to work with them in the future. If you have any questions about any of the issues summarized above, please contact Melissa Nee at: mnee@napo.org.

Brookings Article – How Emerging Technology Affects Law Enforcement

NAPO continues to monitor technological developments that will impact law enforcement's ability to gain access to information to solve crimes. The following article summarizes FBI Director James Comey's remarks at a recent Brookings discussion on the impact of technology on federal and state law enforcement. The full video of the discussion is available at the following link: <http://www.brookings.edu/blogs/techtank/posts/2014/10/28-comey-stopping-digital-crime>.

How Emerging Technology Affects Law Enforcement

Hillary Schaub and Darrell West

October 28, 2014

Technology has transformed our daily lives and replaced analog communication systems with apps and social networks. People feel naturally protective of their personal data and are wary of surveillance from police and intelligence agencies. On October 16th, FBI Director James Comey spoke with Governance Studies' scholar Ben Wittes about the impact of technology on federal and state law enforcement. Director Comey commented that despite people's desire for privacy, law enforcement authorities have a duty to keep Americans safe from crime and terrorism. He followed up that the FBI is committed to upholding the rule of law and protecting civil liberties, but evolving technology in the hands of dangerous people is affecting their ability to effectively carry out investigations.

Director Comey described the following barriers that law enforcement faces and necessary updates to antiquated policies:

- *The general public misunderstands what information federal law enforcement collects. Many also mistakenly assume that law enforcement authorities have access to all communications at all times. In fact, they must obtain individual warrants approved by judges to intercept the communications of suspected criminals.*
- *The proliferation of communication platforms is a huge challenge for law enforcement. Previously, law enforcement authorities could obtain a court order for a wiretap from a single phone carrier. Now, with countless providers, networks, apps, and means of communication, the options for lawful surveillance are limited.*
- *The public safety problem of "going dark" is of deep concern for the FBI. Law enforcement authorities are not always able to access the necessary evidence they need to prosecute crime and prevent terrorism, even with lawful authority. This is exacerbated by companies that are encrypting data for digital services in order to meet consumer demand.*

Director Comey's Suggested Policy Changes:

- *Policymakers need to create a level playing field so that all communication service providers are held to the same standard. An updated law should provide guidance on how to cooperate with law enforcement agents while also protecting their customers' privacy rights.*
- *The Communications Assistance to Law Enforcement Act (CALEA) that was enacted 20 years ago should be updated to cover all new means of communication. Companies not currently subject to CALEA should be*

required to build lawful intercept capabilities into the product they provide for law enforcement. Assistance and cooperation is needed from companies to comply with lawful court orders.

- *Law enforcement agencies must upgrade their technical capabilities. Much of the time, law enforcement officials have the legal authority to intercept and access communications and information pursuant to a court order, but often lack the technical ability.*

Congress should consider the changes that Director Comey advocates for in the near future. We agree that it is critical that technology firms and police do not become antagonists. It is possible to achieve a balance that protects the privacy of consumers all over the world and allows police to prosecute criminals. US businesses should work together with law enforcement agencies to ensure that US citizens and interests are protected.

NAPO is closely monitoring these issues, and will keep our members updated on any pending legislation related to this topic. If you have any questions, please contact Melissa Nee at: mnee@napo.org.

DOJ Launches the Law Enforcement Naloxone Toolkit

The Bureau of Justice Assistance (BJA) has announced the launch of the Department of Justice's Law Enforcement Naloxone Toolkit now available at www.bja.gov/naloxone.

The Law Enforcement Naloxone Toolkit is a one-stop clearinghouse of information and resources for state, local, and tribal law enforcement agencies interested in establishing a naloxone program. Naloxone is a potentially lifesaving drug known for effectively restoring breathing to a victim in the midst of a heroin or other opioid overdose.

Drug overdoses claim 110 American lives daily, more than those caused by gunshot wounds and motor vehicle crashes. The Department of Justice's Law Enforcement Naloxone Toolkit will give law enforcement officers and their agencies the knowledge and tools they need to prevent overdose incidents from becoming fatalities while awaiting the provision of emergency medical services.

This new toolkit includes 80 resources from 30 contributing law enforcement and public health agencies. Examples of the resources are data collection forms, standard operating procedures, law enforcement officer training guides, community outreach materials, and memoranda of agreement—all of which can be downloaded by agencies and customized for their own organization. Technical assistance is also available, upon request, to assist law enforcement agencies in implementing or enhancing a naloxone program.

The Law Enforcement Naloxone Toolkit was developed following the U.S. Attorney General's law enforcement and naloxone expert advisory panel held on July 31, 2014. The advisory panel included leaders from the law enforcement and public health community, academia, and federal government and provided guidance and input on the content included in the toolkit.

For more information, visit www.bja.gov/naloxone or e-mail nttac@bjatraining.org.

Source:

"DOJ Launches the Law Enforcement Naloxone Toolkit." Message to Bureau of Justice Assistance. 28 Oct. 2014. E-mail.

Please monitor NAPO's website www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at [NAPOpolice](https://twitter.com/NAPOpolice) for breaking news and updates.



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

317 South Patrick Street ~ Alexandria, Virginia ~ 22314-3501
(703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515
www.napo.org ~ Email: info@napo.org

EXECUTIVE OFFICERS

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President
Boston Police
Patrolmen's Association

MICHAEL MCHALE
Executive Vice President
Florida Police Benevolent
Association

CHRIS COLLINS
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Patrolmen's Benevolent
Association of New York City

NATIONAL HEADQUARTERS

WILLIAM J. JOHNSON
Executive Director

October 20, 2014

The Honorable Richard Blumenthal
United States Senate
724 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

On behalf of the National Association of Police Organizations (NAPO), I write to you to express concerns regarding the Death in Custody Reporting Act (S. 2807), as NAPO strongly feels that this bill will negatively impact the availability of important resources for law enforcement to use to keep our communities safe.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

NAPO is concerned that the Death in Custody Reporting Act pursues its goals through penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program - a critical resource for law enforcement.

Law enforcement departments across the nation continue to keep our communities safe with scarce resources. This legislation has the potential to jeopardize public safety through Byrne JAG penalties. The Byrne JAG Program provides resources for multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment courts. Losing access to a percentage of this funding will undermine law enforcement's mission to keep the public safe.

We understand the desire for timely and accurate data. However, this effort should not be pursued at the expense of the law enforcement community, which is already operating on limited resources.

We hope you will consider our position when the Senate Judiciary Committee reviews this legislation. If we can provide any additional information, please feel free to contact me at: (703) 549-0775.

Sincerely,

William J. Johnson
Executive Director