



The Washington Report

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

June 24, 2022

Register Today for NAPO's 44th Annual Convention



Join us for NAPO's 44th Annual Convention. Participate in setting NAPO's legislative priorities for the 118th Congress. Learn from presentations by prominent law enforcement figures about the latest developments in police policies and services and help determine NAPO's path forward.

The 44th Annual Convention will be held at the iconic downtown Cleveland hotel, Metropolitan at The 9, part of Marriott's Autograph Collection. The luxury hotel is located on East 9th Street,

walking distance to all city attractions and urban dining.

When not attending the Convention Business Sessions Cleveland offers something for everyone.... Rock & Roll Hall of Fame, The Children's Museum, Great Lakes Science Center, boating & fishing on Lake Erie and a wide choice of breweries, trendy restaurants & pubs.

Very Special Thanks to Tom Austin and the Ohio Patrolmen's Benevolent Association for sponsoring many of the convention's events. Without their financial support and tireless efforts, many of the events simply would not have been possible!

For registration and information including hotel reservations, transportation discounts and updates to the meeting agenda and planned activities [check out NAPO's Convention webpage:](#)

www.napo.org/convention22

[CLICK HERE](#) FOR NAPO's CONVENTION REGISTRATION

Congress Moves to Enact Bipartisan Gun Deal

On June 21, a bipartisan group of senators lead by Senators John Cornyn (R-TX) and Chris Murphy (D-CT) introduced a bipartisan gun reform bill, the Safer Communities Act. NAPO worked with Senator Cornyn's staff during negotiations and as a framework was being agreed upon and we feel the bill addresses many of our concerns. The Senate passed the bill on June 23 by a vote of 65-33 and the House is expected to pass the bill today.

NAPO has long been concerned with the intersection between untreated mental illness and violent crime and the bipartisan Safer Communities Act seeks to address this important issue through additional funding for law enforcement, schools, and behavior health services within our communities.

This legislation authorizes \$750 million over five years for a new purpose area under the Byrne Justice Assistance Grant (Byrne JAG) program. This program will assist states and localities in implementing or enhancing crisis intervention programs from mental health courts to drug courts to assisted outpatient treatment courts and extreme risk protection programs. Importantly, states and localities can choose how to use this funding to best meet their communities' needs, without any mandates or strings attached.

The Safer Communities Act also authorizes an additional \$300 million for the STOP School Violence programs through Byrne JAG and the Community Oriented Policing Services (COPS) programs, to harden schools and assist in hiring and training School Resource Officers. NAPO supported the enactment of the STOP School Violence Act and the additional funding and support provided through the Safer Communities Act will be essential to help keep our students and schools safe.

On the criminal justice front, the Safer Communities Act provides resources to improve the National Instant Criminal Background Check System (NICS), makes straw purchasing and gun trafficking, including across the border, explicit federal crimes, and enhances criminal penalties for those affiliated with a gang, cartel, or organized crime ring.

The bill also updates the definition of "misdemeanor crime of domestic violence" to include individuals who have a current or recent continuing serious relationship of a romantic or intimate nature with their victim. Individuals who fit this definition would have their right to purchase and possess firearms automatically restored after five years elapsed from the end of their criminal sentence if they had committed no further crimes of violence. At that time, their records would be automatically purged from NICS.

While NAPO strongly supports ensuring criminals and those who are demonstrably at risk of harming themselves or others are unable to possess firearms, it is equally important to us that lawful citizens' Second Amendment rights are not infringed upon. This bill contains robust due process and legal protections for citizens to ensure that no individual who has the legal right to own and possess a firearm can be denied that Constitutional right. It also does not restrict the types of guns, ammunition, or magazines that lawful citizens can purchase or possess.

Law enforcement agencies across the country are struggling to contain the violent crime that is plaguing our communities. Mental and behavioral health issues are a significant aspect of this crime and violence, and we hope that by providing robust resources to address these issues, both inside and outside of the criminal justice system, the Safer Communities Act will indeed help make our communities safer. NAPO appreciates Senators Cornyn and Murphy taking into consideration law enforcement's priorities in the Safer Communities Act.

If you have any questions about the specifics of the Safer Communities Act, please contact NAPO's Director of Governmental Affairs, Andy Edmiston, at (703) 549-0775 or aedmiston@napo.org.

[NAPO's Statement on the Safer Communities Act.](#)

Senate Finance Committee Approves Several NAPO Priorities as Part of Broad Retirement Bill

The Senate Finance Committee marked up and approved the Enhancing American Retirement Now (EARN) Act on June 22. This broad bipartisan legislation is the Senate version of the House's Securing a Strong Retirement Act and aims to help Americans successfully save for a secure retirement.

Three of NAPO's priority provisions were included as part of the EARN Act: the Putting First Responders First Act, the Police and Fire Health Care Protection Act, and the Protecting Public Safety Employees' Timely Retirement Act.

The **Putting First Responder First Act** would codify existing IRS regulations making service-connected disability compensation exempt from Federal income taxes and makes the tax-exempt status of this compensation permanent through retirement. The House's Securing a Strong Retirement Act also included this provision but delayed its enactment until 2027. NAPO worked closely with the bill's sponsor, Senator Steve Daines (R-MT), and Committee staff to ensure this language was included in the EARN Act. We then worked successfully with Senator Daines and Senators Debbie Stabenow (D-MI) and Chuck Grassley (R-IA) to amend the EARN Act during markup to change the implementation date to the taxable years immediately following enactment of the bill.

The **Police and Fire Healthcare Protection Act**, introduced by Senators Sherrod Brown (D-OH), John Thune (R-SD), Mark Warner (D-VA), and Chuck Grassley (R-IA), would improve the HELPS Retirees provision of the Pension Protection Act and ensure all public pension plans are able to implement it to the benefit of their public safety retirees by removing the direct payment requirement.

Under the HELPS Retirees provision, qualified, retired public safety officers can use up to \$3,000 annually from their pension funds tax-free, including defined benefit plans and defined contribution plans, to pay for qualified health insurance and long-term care insurance premiums. However, the money must go directly from the pension fund to the health or insurance company in order to get the tax-free benefit. This direct payment requirement has been a hindrance for many pension plans to participating in HELPS. By removing the direct payment requirement, the Police and Fire Healthcare Protection Act would make it easier for plans to execute the HELPS Retirees provision and ensure more public safety retirees can take advantage of this vital benefit.

The **Protecting Public Safety Employees' Timely Retirement Act**, introduced by Senators Pat Toomey (R-PA) and Michael Bennet (D-CO), would modify the eligible age (age 50) for the exemption from the retirement plan early withdrawal penalty for public safety officers. It establishes the age eligibility at age 50 or 25 years of service under the plan, whichever is earlier.

Currently, the amounts a retired public safety officer withdraws from a retirement plan before reaching age 50 are called "early" or "premature" distributions and are subject to an additional 10 percent early withdrawal tax. The Protecting Public Safety Employees' Timely Retirement Act would allow an officer

who has retired after 25 years of service, even if it is before age 50, to be exempt from the 10 percent withdrawal penalty.

This provision does not protect all public safety offices from the early withdrawal penalty as some officers are able to retire with full pension benefits after 20 to 24 years of service. NAPO will continue to work to ensure no public safety retiree is penalized for withdrawing their rightfully earned retirement funds after their reaching prescribed normal retirement age.

NAPO thanks Finance Committee Chairman Ron Wyden (D-OR) and Ranking Member Michael Crapo (R-ID) for their support of these important provisions and Senators Daines, Brown and Toomey for working closely with us on ensuring their inclusion in the EARN Act.

The House and Senate will now conference and negotiate the differences between their two bills and we are working to make certain the Putting First Responders First Act, the Police and Fire Health Care Protection Act, and the Protecting Public Safety Employees' Timely Retirement Act provisions remain in the final bill.

Supreme Court Sides with NAPO in *Vega v. Tekoh*

In a victory for NAPO and law enforcement officers across the country, the United States Supreme Court issued its [decision in the case of Vega v. Tekoh](#) on June 23 and agreed with NAPO that a Miranda violation does not provide a basis for a 1983 claim. NAPO filed an [amicus curiae brief](#) on March 7, 2022, in the U.S. Supreme Court arguing that a Miranda violation does not equate to a federal civil rights violation.

The issue in this case was whether individual officers can be held personally liable in a federal civil rights action for Miranda warning violations. In current practice, the remedy for a violation of Miranda warnings is that the statement obtained in violation of Miranda cannot generally be used against the defendant in a criminal trial. In this case, the U.S. Court of Appeals for the Ninth Circuit (one step below the Supreme Court) held that individual officers can be held personally liable for a federal civil rights violation where they violated the Miranda warning requirements.

NAPO argues in the brief that this holding by the Ninth Circuit is clearly erroneous and would only lead to further damage to law enforcement efforts at a time when violent crime is spiking, and morale is low. Also, technically, Miranda is only violated when the statement is actually introduced at trial, and this action is in the hands of prosecutors, lawyers, and judges, not the officer who may or may not have properly Mirandized the suspect months or even years earlier.

If you have any questions about the *amicus brief* NAPO filed or on the Supreme Court's decision, please contact Bill Johnson at (703) 549-0775 or info@napo.org.

NAPO Victory! Senate Passes Justice and Mental Health Collaboration Reauthorization Act

In a win for NAPO, the Senate passed the Justice and Mental Health Collaboration Reauthorization Act, S. 3846, by unanimous consent. NAPO is a long-time supporter of the Justice and Mental Health Collaboration Program (JMHCPC), which grew out of the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and worked closely on this reauthorization bill. It is a top priority for us, as it supports crisis

intervention teams and training programs for law enforcement and corrections personnel to identify and respond to incidents involving individuals with mental health conditions.

The Justice and Mental Health Collaboration Reauthorization Act reauthorizes the program for the next five years at \$50 million annually and makes important improvements, including:

- Strengthening support for mental health courts and crisis intervention teams;
- Supporting diversion programming and training for state and local prosecutors;
- Strengthening support for co-responder teams;
- Supporting the integration of 988 into the existing public safety system;
- Amending allowable uses to include suicide prevention in jails and information sharing between mental health systems and jails/prisons;
- Amending allowable uses to include case management services and supports; and
- Clarifying that crisis intervention teams can be placed in 911 call centers.

The JMHCP must be reauthorized to ensure law enforcement continue to have access to these vital resources and training programs.

Representatives Bobby Scott (D-VA), Steve Chabot (R-OH), Sheila Jackson Lee (D-TX), and Tom Emmer (R-MN) introduced the House version of the JMHCP Reauthorization Act, H.R.8166, earlier this week.

We thank Senators John Cornyn (R-TX) and Amy Klobuchar (D-MN) and Representatives Scott, Chabot, Jackson Lee and Emmer for their steadfast support and leadership on this issue and we look forward to working with them to see this important bill enacted into law this year.

NAPO Supports Det. Brian Simonsen Memorial Act

NAPO pledged its support for H.R. 7362, the Detective Brian Simonsen Memorial Act of 2022, introduced by Congressman Andrew Garbarino (R-NY).

In 2019, New York City Detective Brian Simonsen was tragically killed in the line of duty responding to a robbery at a T-Mobile store that ended in a hail of gun fire. Millions of smart phones are stolen each year. As evidenced by the death of Detective Simonsen, these thefts are not victimless crimes. Victims of smart phone robberies are put in physical danger and in peril of identity theft. Making stolen cell phones inoperable would nullify their value and reduce such thefts, making our communities safer.

The Detective Brian Simonsen Memorial Act would prohibit mobile service providers from delivering service on smart phones that have been reported stolen and require smart phones to be equipped with anti-theft functionality at no cost to the purchasers. It also puts in place requirements around mobile device identification numbers to make it more difficult to sell stolen smart phones and it increase the penalties for doing so, adding further deterrents to committing such thefts.

State and local law enforcement need assistance in stopping criminals from victimizing our communities and this legislation would go a long way to reducing robberies, identity theft and fraud.

NAPO on the Hill: 1033 Program; TBI & PTSD Law Enforcement Training; PTSD Coverage by PSOB

1033 Program

On June 22, the House Armed Services Committee markup up its version of the Fiscal 2023 National Defense Authorization Act, H.R. 7900. During the markup, two amendments were offered to restrict state and local law enforcement's ability to access surplus military equipment through the Department of Defense's 1033 and 1112 programs. Working closely with Congressman Michael Waltz's (R-FL) staff, NAPO quickly issued statements opposing the amendments. Our efforts were successful and both amendments were withdrawn from consideration.

NAPO is extremely concerned that the legitimate and well-demonstrated needs of officers are being overlooked due to the optics of law enforcement agencies obtaining this equipment from the Department of Defense. This gear, which has been repurposed for public safety use, fulfills legitimate police needs and the lack of such gear can have life-threatening consequences for officers and the communities they serve. NAPO will continue to oppose any legislation that would prohibit state and local law enforcement from obtaining such lifesaving gear.

TBI and PTSD Law Enforcement Training Act

NAPO continues to work with Senator Jon Ossoff (D-GA) and Senator Chuck Grassley (R-IA), the sponsors of the Senate version of the TBI and PTSD Law Enforcement Training Act, S. 4286, on quickly moving this important bill through the Senate and to the President's desk. While we had hoped to move this bill prior to Congress adjourning for a two-week July 4 recess at the end of this week, we are still working through questions and concerns from members of the Senate Judiciary Committee.

The TBI and PTSD Law Enforcement Training Act would make training and guidance available that law enforcement agencies can use as a basis to support improved responses and outcomes to interactions between police officers and persons affected by TBI and PTSD. This legislation also recognizes that law enforcement and first responders are among those in our communities who suffer from these afflictions and requires the Centers for Disease Control and Prevention (CDC) to do a study on the prevalence TBI and PTSD in our profession.

The House passed its version of this bill, H.R. 2992, by an overwhelming vote of 400-21 on May 18 and we are very mindful of not wanting to lose the momentum. We are working to alleviate any and all concerns so that the Senate can take up this important bill upon returning from recess.

Public Safety Officer Support Act

The House passed the Public Safety Officer Support Act on May 18 by a significant bipartisan vote of 402-17. On May 26, the Senate Judiciary Committee unanimously approved the bill, yet despite this unanimous vote, several Republican members of the Committee have raised concerns with it and are refusing to let it move forward to the Senate floor for a vote.

This legislation, sponsored by Senators Tammy Duckworth (D-IL) and John Cornyn (R-TX) and Representatives David Trone (D-MD) and Guy Reschenthaler (R-PA), would make post-traumatic stress disorder (PTSD) a line of duty injury under the Public Safety Officers' Benefits (PSOB) Program and ensure that officers who suffer from PTSD and those who take or attempt to take their own life as a result of on-duty trauma will be eligible under the program. The bill would also cover officers who die by trauma-linked suicide by directing the PSOB Program to presume that suicides are a result of job duties in certain

circumstances, such as a mass casualty event, where there is evidence that PTSD would be a cause of the trauma.

While the Public Safety Officer Support Act has broad backing by a majority of the public safety community and the mental health community as well as large bipartisan support in both the House and Senate, it still faces opposition from the Fire Chiefs who continue obstruct the bill's progress. We also face concerns from Senate Republicans about the overall cost of the bill. We expect the Congressional Budget Office to issue its budget score soon and we will continue to work with Senators Duckworth and Cornyn and Judiciary Committee staff to overcome all hurdles to moving this important bill forward.

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.

★ **SAVE THE DATE** ★

NAPO'S FALL SEMINAR
October 31 – November 2, 2022
Marriott Harbor Beach Resort
Fort Lauderdale, Florida

for more information visit www.napo.org/fall22

For Event Details, Sponsorship & Speaking Opportunities, Please Contact
Elizabeth Loranger: eloranger@napo.org or 800-322-6276

NAPO's Partner, FIRSTNET, Offers its Health and Wellness Coalition as a Resource

The mission of the [FirstNet Health and Wellness Coalition](#) is to integrate responder, community, industry, and academic capabilities in order to support the health, wellness, and readiness of America's first responders.



**From traumatic stress
to post-traumatic growth –
supporting first responders**