



The Washington Report

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

July 7, 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/4014/0442/1220/Legislative_Positions_Update_-_July_3_2014_-_Full_Compilation.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/>.

NAPO will continue to provide status updates on our top legislative priorities. If you have any questions about any of the legislation NAPO is currently working on, please contact Melissa Nee at: mnee@napo.org.

U.S. Supreme Court Decision - Harris v. Quinn

The U.S. Supreme Court's opinion in Harris v. Quinn is out. The court has declined to extend its earlier ruling in the 1977 Abood v. Detroit Bd. of Ed. case to allow public sector employee unions to charge an "agency fee" or "fair share" fee to certain "personal assistant" ("PA") employees who are in a state-recognized bargaining unit, but who choose to not join the union. The Court did not overrule Abood, which does allow public sector unions to charge an agency or fair share fee to nonunion members of the bargaining unit, but the Court did call the rationale underlying Abood into question. The very limited specific holding in the case seemed to turn on the fact that the home health care providers, ("Personal Assistants" or "PAs"), were not traditional public employees, and the union (in this case SEIU) was not functioning as a full-fledged labor union with respect to the PAs. *NAPO filed an amicus curiae ("friend of the Court") brief with the Supreme Court in this case, urging the Court not to overrule Abood, and in that regard we were successful. However,* the very likely upshot of the Court's limited ruling will be increased challenges by public employers, including police departments, to agency fees and fair share fees collected by public unions, including police unions and associations. Police unions and associations will need to be prepared to argue persuasively that law enforcement officers are certainly core public employees, much different than the PAs in this case, and also argue that the police unions and associations themselves effectively provide a far greater scope of services in terms of bargaining, contract enforcement, grievances and arbitrations than did the PAs' union. (Please note, this does not mean that the PAs' union was not a legitimate union, it clearly is. It means that the Court pointed out that in its view, under the state law where this case arose, the union really did not have to do much, nor could do much, for the PAs).

Here is a link to the Court's opinion: http://www.supremecourt.gov/opinions/13pdf/11-681_j426.pdf

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

NAPO Meeting on Capitol Hill – Senator Cornyn

On July 1, 2014, NAPO met with a senior staffer for **Senator John Cornyn (R-TX)** to outline our proposed modifications to the most recent amendment to the Driver's Privacy Protection Act (DPPA). The DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released. The most recent DPPA amendment authorizes a private right of action for knowing violations, and a court may award damages in the amount of \$2,500 for each time a record was accessed, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

NAPO's proposed language modifications to the DPPA amendment include adding a clause that explains that penalties will be applied only if persons access information with the specific intent to secure an economic benefit. NAPO also proposes removing the \$2,500 penalty for a violation of this act, as well as adding a statement that explains there must be repeated disregard of this law for action to be taken. If the language is not modified, law enforcement officers will be subject to large fines, and even the loss of their licenses for *de minimus* actions.

The staffer was very receptive to NAPO's proposal. NAPO will continue to expend all available efforts to modify the DPPA amendment, and we will keep our members updated on the status of this initiative.

If you have any questions about our proposed modification to the DPPA amendment, please contact Melissa Nee at: mnee@napo.org.

NAPO Meeting on Capitol Hill – House Judiciary Committee Members

On July 1, 2014, NAPO met with senior staffers for the following members of the House Judiciary Committee: **Congressman David Cicilline (D-RI)**, **Congresswoman Suzan DelBene (D-WA)**, and **Congressman Jim Sensenbrenner (R-WI)**. NAPO used the meetings to outline our top priorities, which include the following bills:

Bulletproof Vest Partnership (BVP) Grant Act: NAPO explained the importance of the BVP Grant Program, which 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 cosponsors for the House and Senate versions of this bill.

Community Oriented Policing Services (COPS) Improvement and Reauthorization Act: NAPO stressed the importance of passing this legislation, which 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): NAPO explained that 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 both assisting and dealing with citizens with mental health issues. (NAPO thanked Congressman Cicilline's staff for the Congressman's support of the JMHCA).

Officer Sean Collier Campus Police Recognition Act: MIT Police Officer Collier lost his life while protecting both the campus and the greater Boston community. This legislation will honor Officer Collier by ensuring that campus police officers are added to the Public Safety Officers' Benefits (PSOB) Program. Campus police officers serve their communities with integrity and valor, and deserve to be included among those public safety personnel whose survivors are eligible to receive benefits under the PSOB Program.

Social Security Fairness Act: This bill strikes 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. (NAPO expressed appreciation to the staffers for Congressman Cicilline & Congresswoman DelBene, as both Representatives are cosponsors of Social Security Fairness Act).

The staffers were very receptive to the above proposals, and NAPO looks forward to continuing to work with each of the offices in the future. If you have any questions about any of the bills summarized above, please contact Melissa Nee at: mnee@napo.org

NAPO Meeting on Capitol Hill – Minority Leader McConnell

On July 1, 2014, NAPO met with **Minority Leader Mitch McConnell's (R-KY)** senior advisor. NAPO used the meeting to outline our top priorities. In addition to highlighting our support for the Justice and Mental Health Collaboration Act, Bulletproof Vest Partnership Grant Program Reauthorization Act, Social Security Fairness Act, and COPS Improvement and Reauthorization Act, NAPO took the opportunity to express our support for the following pieces of legislation:

National Blue Alert Act: NAPO expressed appreciation for Minority Leader McConnell's support of the National Blue Alert Act of 2013. This bill would help to establish a nationwide alert system to apprehend violent criminals who have injured or killed police officers. This bill reaffirms NAPO's commitment to ensuring the safety of our law enforcement men and women and the communities they serve to protect every day. The House version of this bill passed in May 2013 by a vote of 406-2, and NAPO continues to expend all available efforts to ensure the Senate passes this important legislation.

Equity in Law Enforcement Act: Mirroring the Officer Sean Collier Campus Police Recognition Act, this bill would extend the same Federal benefits to law enforcement officers serving private institutions of higher education that apply to law enforcement officers serving units of State and local government. This legislation would make these individuals eligible for the same benefits provided to public law enforcement officers, including line-of-duty death benefits under the Public Safety Officers' Benefits (PSOB) Program and bulletproof vest partnership grants through the Department of Justice. The bill would only apply to officers who are sworn, licensed, or certified to enforce the law within their jurisdiction.

Justice for Victims of Trafficking Act: NAPO explained that this bill repurposes and reauthorizes a grant program to create a victim-centered model block grant to help states and local governments develop and implement comprehensive victim-centered programs to train law enforcement to rescue victims, prosecute human traffickers, and restore the lives of victims. It also allows state and local human trafficking task forces to obtain wiretap warrants within their own state

courts without federal approval in order to investigate crimes of child pornography, child sexual exploitation, and human trafficking. An amended version of the bill passed the House of Representatives on May 20, 2014, and we are hopeful that the Senate bill will be reviewed by the Senate Judiciary Committee in the coming months.

NAPO looks forward to continuing to work with Minority Leader McConnell and his staff in the future. If you have any questions about any of the bills summarized above, please contact Melissa Nee at: mnee@napo.org

NAPO Meeting on Capitol Hill – Congressman Hanna

On July 1, 2014, NAPO participated in a meeting with **Congressman Richard Hanna's (R-NY)** senior staff to discuss the Second Chance Reauthorization Act of 2013. During the meeting, NAPO highlighted our support of the Second Chance Reauthorization Act of 2013, which improves state and local grant programs to promote successful prisoner reentry and improve public safety. This legislation continues targeted funding for reentry programs at the state and local level that have been proven to reduce recidivism, lead to better outcomes for those released from prison, and save prison costs.

Congressman Hanna's staff was very receptive to our proposal. We are hopeful that the Congressman will sign-on as a cosponsor of the bill, which currently holds strong bipartisan support in both the House and Senate.

NAPO looks forward to continuing to work with fellow stakeholders to pass this important legislation. If you have any questions about the Second Chance Reauthorization Act, please contact Melissa Nee at: mnee@napo.org.

NAPO Participates in Meeting with Treasury Office of State and Local Finance

On June 30, 2014, NAPO joined members of the Pension Protection Network (PPN) in a meeting with the Department of Treasury's Office of State and Local Finance. During the meeting, Treasury Department leadership explained that the new office was created to build expertise in state and local finance; act as a coordination center across the Treasury Department offices that deal with state and local finance issues; and provide stakeholders with a central point of contact at the Treasury Department.

The office does not have any new statutory or regulatory authority. However, the office was created to develop new policy ideas in areas including: public pensions; impact of federal policy on state and local budgets; and municipal bond markets. The office's success is dependent on the kind of information provided by sources, such as the PPN.

NAPO looks forward to working with the PPN to develop an ongoing dialogue on the topic of state and local pensions & retirement security with the new office.

Please monitor NAPO's website www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter @NAPOpolice for breaking news and updates.