



The Washington Report

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

March 28, 2016

NAPO Sends Letter to President & AG Regarding Extradition of Cop-killers from Cuba

On March 22nd, NAPO Executive Director Bill Johnson sent a letter to President Barack Obama and Attorney General Loretta Lynch regarding the urgent need to include the extradition of violent criminals as part of the United States reopening of diplomatic relations with Cuba.

As the Administration works to reestablish diplomatic ties with Cuba, the Department of Justice (DOJ), together with the Department of State, must work on bringing back violent criminals who fled to Cuba, such as cop-killer Joanne Chesimard, so that they can be brought to justice. Chesimard is on the FBI's most wanted terrorist list for her role in the cold-blooded killing of New Jersey State Trooper Werner Foerster in 1973. The fact that she – and violent felons like her – are living free in Cuba is an affront to the men and women who have dedicated their lives to protecting our communities as law enforcement officers – above all to the family and friends of police officers who have made the ultimate sacrifice.

At a White House meeting on Officer Safety and Wellness on March 10, 2016, Johnson brought up this important issue to the Director of the White House Office of Urban Affairs, Justice, and Opportunity, Roy Austin, and the Director of the COPS Office, Ron Davis. With the President's historic trip to Cuba last week, it is disconcerting that NAPO has not heard anything related to our concerns on the extradition of violent criminals.

NAPO strongly believes that the U.S. Government should do everything in its power to ensure the extradition of violent criminals and cop-killers from Cuba. As diplomatic relations between the two countries are being restored, the Administration must address this issue and ensure that these felons face justice and to bring peace to the families of those who lost their lives.

In the letter, NAPO urges the President and Attorney General to consider the extradition of violent felons as a top priority in the reestablishment of diplomatic relations with Cuba. All criminals who flee the United States must be promptly returned.

The extradition of cop-killers from countries such as Cuba and Mexico is a top priority for NAPO and we will continue to work with the Administration and Congress to address the growing issue of the U.S. Government's inability to extradite violent criminals who flee to other countries.

You can view NAPO's letter on our website: <http://www.napo.org/washington-report/latest-news-updates/letter-president-ag-re-cuba/>

DOJ Announces Resumption of Asset Forfeiture Program

In a big victory for NAPO and state and local law enforcement across the country, Attorney General Loretta Lynch and Deputy Attorney General Sally Yates announced on March 28th, on a call with NAPO and other stakeholders, that the Department of Justice (DOJ) is resuming the Asset Forfeiture Program, effective immediately. The DOJ will begin processing payments to state and local law enforcement through the equitable sharing program as soon as possible – within days of this announcement.

The Attorney General stated that there is a backlog of applications for payments dating back to December 21, 2015, when the DOJ suspended the program, as agencies continued to submit payment applications despite the deferral of payments. The DOJ will process the applications in the order in which they were received and it hopes that it will eliminate the backlog of payments and the equitable sharing program will resume normal operations within a few months.

The DOJ is sending this [letter](#) and [fact sheet](#) to its state, local and tribal law enforcement partners about the resumption of this important program. NAPO fought hard to restore the equitable sharing program, working with the DOJ and other law enforcement organizations to ensure the continuation of the successful relationship between the federal government and state and local law enforcement that has allowed state and local agencies to participate in joint task forces to prevent and foil serious criminal activity and terrorism, purchase equipment, provide training, upgrade technology, engage their communities, and better protect their officers.

If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

Blue Lives Matter Act Introduced in the House

On March 16th, Representative Ken Buck (R-CO) introduced the Blue Lives Matter Act (H.R. 4760), which extends greater protections to police officers by expanding the federal hate crime statute to include law enforcement officers. NAPO endorses this legislation as we believe it is critical to bolster protections for law enforcement as violence against officers simply for their identity as police officers has increased sharply in the past couple of years.

NAPO believes that establishing stricter penalties for those who harm or target for harm law enforcement officers will deter crime. Any persons contemplating targeting an officer for violence must know that they will face serious punishments. Covering law enforcement officers under the hate crime statute will make important differences in the attitudes of criminals toward officers, and ensure protection for the community.

NAPO looks forward to working with Representative Buck to pass this important legislation. If you have any questions about this bill, please contact Andy Edmiston at aedmiston@napo.org.

House Introduces Companion Bill to Repeal President's Executive Order Limiting Military Surplus Equipment

On March 23rd, Representative John Ratcliffe (R-TX) introduced the House version of the bill that repeals the President's Executive Order limiting the use of military surplus equipment by state and local law enforcement. The Protecting Lives Using Surplus (PLUS) Equipment Act of 2016 (H.R. 4880) will overturn the Executive Order, prohibit the President from implementing new restrictions, and require the Administration to return equipment that it has recalled—at no expense to local police. Senator Pat Toomey (R-PA) introduced the Senate

bill, Lifesaving Gear for Police Act (S. 2694), on March 16th. The growing support in Congress for repealing the Executive Order is a big victory for NAPO and the law enforcement community.

Programs like the Department of Defense's (DOD) 1033 program and grant programs at the Departments of Justice and Homeland Security have been vital resources in allowing state and local law enforcement to acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential in protecting communities against violent criminals with increasing access to sophisticated weaponry, IEDs, body armor and sometimes even armored vehicles.

The limitations on military surplus equipment for state and local law enforcement are a result of Executive Order 13688 and the Law Enforcement Equipment Working Group that it created. On October 1, 2015, the recommendations of the Working Group went into effect and the Department of Defense is currently in the process of recalling lifesaving military surplus equipment from state and local law enforcement agencies. Not only are law enforcement across the country now scrambling to fill in the equipment gaps left behind, but they must also develop new training policies and expand their inventory reporting to include equipment previously outside of the Federal purview to ensure that they do not "misapply" the use of such equipment.

Given the unfortunately high number of mass shootings that have occurred in 2015 alone and the fact that state and local law enforcement are the first line of defense, it is improper that the Administration has questioned the appropriateness of state and local agencies acquiring such equipment for the protection of their communities. NAPO worked on the development of this legislation and we thank Representative Ratcliffe for his leadership on this important issue.

NAPO is working to educate members of Congress on the importance of the 1033 program and similar programs and urging their support for H.R. 4880 and S. 2694. We will work with Congress to ensure that state and local law enforcement have the resources they need to safely and effectively protect our communities.

If you have any questions about this legislation or the impact of the Executive Order, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Discusses PSOB Concerns with Directors of BJA and PSOB

NAPO participated in a call with the Director of the Bureau for Justice Assistance (BJA) within the Department of Justice, Denise O'Donnell, and PSOB Director Hope Janke to discuss rank-and-file concerns with the Public Safety Officers Benefit (PSOB) Office's new policies regarding "speeding" cases. These are cases involving death or disability due to speeding or traffic law violations.

In the new reviewing process for "speeding" cases, the PSOB Office is relying heavily on departments and agencies providing sufficient evidence that the officer was responding to a request for assistance *and* that the actions of the officer – whether it be speeding or an improper lane change – were reasonable given the circumstances. If such evidence is not provided, the PSOB Office will err on the side that the officer's death or disability was due to gross negligence and intentional misconduct on behalf of the officer. Under this process, a family's ability to get much needed death or disability benefits rests in the hands of agencies and their decision to formally recognize that an officer speeding while responding to a call for assistance is an accepted and reasonable practice. NAPO does not believe that many agencies will be willing to put such a statement in writing.

NAPO reiterated its strong objections to this process on the call with Director O'Donnell and stated that the PSOB Office must resolve any reasonable doubt arising from the circumstances of the officer's death or disability in favor of payment of the benefit. Director O'Donnell responded that the PSOB Office could not do that under current statute, which has a high standard of proof, but she was open to other ideas to address our concerns. NAPO will continue to have serious concerns with how the PSOB Office handles speeding and other cases until it returns to assuming presumptive eligibility with each case it receives.

While we appreciate the Office is working on more efficient ways to decide these cases, many of which have been pending for several years, we do not believe that the process it has put in place honors the presumptive eligibility for benefits that is the foundation of the PSOB program. NAPO will continue to work with the PSOB Office to ensure that the families and loved ones of officers killed or disabled in the line of duty receive the benefits they deserve in an appropriate and timely manner.

House Social Security Subcommittee Holds Hearing on GPO& WEP

The House Ways and Means Subcommittee on Social Security held a hearing on March 22nd entitled "Social Security and Public Servants: Ensuring Equal Treatment", which focused on the affects of the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) on public sector retirees.

The GPO reduces public employee's Social Security spousal or survivor benefit by two-thirds of their public pension, and often leads to negative effects on law enforcement officers' retirements. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most, or all of the payment. Because of their profession, many law enforcement officers do not pay into Social Security; however, if they had not served at all, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the WEP. Although most law enforcement officers retire after a specific length of service, usually while in their early to mid-fifties, many look for new opportunities to serve their communities. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by the WEP. Instead of receiving their rightfully earned Social Security retirement benefits, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended to be "leveling" responses, but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouses paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

While NAPO continues to advocate for full repeal of the GPO and WEP, we understand there are significant fiscal challenges associated with this effort. NAPO has worked closely with other public sector organizations to find common ground on a meaningful WEP reform proposal. This collaboration, together with the leadership of both Ways and Means Committee Chairman Kevin Brady and Congressman Richard Neal, has resulted in H.R. 711, the Equal Treatment of Public Servants Act of 2015.

The hearing highlighted H.R. 711 and the WEP reform proposed in the President's budget. These proposals would repeal the current WEP and replace it with a Social Security benefit formula designed to more accurately account for years a public employee paid into Social Security.

Under H.R. 711, a public employee's Social Security amount will no longer be figured by the arbitrary WEP formula, but will be based on each worker's real-life Social Security contributions and work history -- just like everyone else. For example, a worker who contributes to Social Security for 10 years would receive all of their Social Security due them based on their earnings and contributions in those 10 years.

The President's proposed FY 2017 budget also included a GPO reform that NAPO is still reviewing, but it seems to cut public employees' spousal or survival benefits more than the current GPO formula, which would be unacceptable. While the President's FY 2017 budget proposal was considered dead on arrival in Congress and there is no pending legislation containing the proposed GPO reform, NAPO will continue to monitor this issue.

The Subcommittee was supportive of H.R. 711 and WEP and GPO reform in general and all of the hearing witnesses spoke to the need to reform these provisions. The Subcommittee is expected to mark-up H.R. 711 by early summer. NAPO will keep our members informed on the status of this important legislation.

You can view NAPO's submitted statement for the record [here](#). If you have any questions, please contact Andy Edmiston aedmiston@napo.org.

NAPO in the News

On March 21st, NAPO Executive Director Bill Johnson was quoted in a *CNN Money* article entitled "Concealed Carry Gun Looks like a Smartphone. The article discussed a new two-shot pistol in development that folds into a rectangle and is meant to look like a smartphone when folded, unlike other folding guns currently on the market that still look like guns when folded.

In discussing the gun's design, Johnson stated, "[i]n general, the concept of any kind of weapon that's disguised, so that it's not apparent that it's a weapon, would be cause for concern".

The full article is available at the following site: http://money.cnn.com/2016/03/21/news/gun-smartphone-ideal-conceal-carry/index.html?iid=SF_LN

NAPO will continue to ensure our members' voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: bjohnson@napo.org.

May 12, 2016 2016 Lobby Day Legislative Update & NAPO's Annual Legislative Recognition Luncheon

Please join NAPO on May 12th 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 NAPO's legislative priorities, results to date from the 114th Congress, and to receive handouts to use during Hill visits. While on Capitol Hill, be sure to stop by NAPO's Legislative Luncheon in the Cannon Caucus Room, where several Congressmen and Senators will be recognized for their continued support of Law Enforcement.

Schedule of Events

NAPO Legislative Update Breakfast	JW Marriott Hotel	9:00am – 10:30am
Capitol Hill Visits	Capitol Hill	10:30am – 12:00pm
NAPO Legislative Recognition Luncheon	Dirksen Senate Office Building Room G11	12:00pm – 1:30pm
Capitol Hill Visits	Capitol Hill	1:30pm – 5:00pm

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 2nd.

The registration fee of \$150.00 per person includes the Legislative Update Breakfast, Handouts, and the Legislative Recognition Lunch. 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.

NAPO has reserved a block of rooms at JW Marriott Hotel. Room rates are \$239 per night. To make your reservation, please call (800) 228-9290 and tell them you are with NAPO. In order to receive the reduced rate, reservations must be made by April 20. The hotel is expected to sell out, so please make your hotel reservations early.

Register online at www.napo.org or complete the [registration form](#) and return to NAPO at eloranger@napo.org or Fax to (703) 684-0515 by MAY 2nd.

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.