



The Washington Report

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

December 4, 2020

President's Commission on Law Enforcement & the Administration of Justice Releases Draft Report

The President's Commission on Law Enforcement and the Administration of Justice released a [draft report](#) of its final recommendations on actions that can be taken to prevent, reduce, and control crime, increase respect for the law, and assist victims. The release of the final report is being held up by an October 1 order by a U.S. District Judge that found that the Commission violated the Federal Advisory Committee Act (FACA) by appointing only law enforcement as Commissioners and by holding closed meetings without advance public notice. The Judge ordered the Commission to halt its work until it comes into compliance with FACA.

Issues reviewed by the Commission include:

- Challenges to law enforcement associated with mental illness, homelessness, substance abuse, and other societal factors;
- Recruitment, hiring, training and retention of law enforcement officers;
- Potential for public and private initiatives to reduce crime and improve police-community relations;
- Refusals by State and local prosecutors to enforce laws or prosecute categories of crime;
- Safety, health and wellness of law enforcement officers;
- Need to promote public respect for the law and law enforcement officers;
- Training;
- Better integration of education, employment, social services, and public health services to reduce crime and ease the burden on law enforcement, the courts and corrections systems;
- Challenges and opportunities of technical innovations for law enforcement and the criminal justice system; and
- Effectiveness of federal grant programs.

NAPO has testified several times before the Commission over the past year for panels on the Rule of Law, Officer Safety, Health and Wellness, Community Trust and Respect for Law Enforcement, and Law Enforcement Retention. The draft report includes several of NAPO's recommendations and addresses many of the issues we discussed in our testimony. NAPO President Mick McHale is quoted on the importance of programs such as "comply, then complain" to build relationships between law enforcement and the community by lowering instances of confrontations and ensuring citizens that any complaint against an officer will be heard and thoroughly investigated.

NAPO's testimony is also directly quoted to support the recommendation that "law enforcement agencies should examine their salary and benefit packages and incentive programs to ensure they are competitive in the field". NAPO testified that retirement benefits, specifically defined benefit plans, are closely tied to job satisfaction and offering competitive benefits is vital to officer retention and recruitment.

Within the 308-page long draft report, there are significant recommendations around promoting officer peer mentoring programs and protecting officer confidentiality in mental wellness programs. The Commission also recommends that Congress should pass legislation that would create new federal offenses for those who deliberately target law enforcement officers with the intent to kill. Further, the Commission specifically recommends that qualified immunity for law enforcement officers should not be weakened and in several places recommends protecting officer due process rights in administrative and criminal investigations of officer use of force.

Additionally, the Commission advises that the Department of Justice must reduce the bureaucracy in grants programs and allow state, local, and tribal governments and law enforcement agencies decide how to address their criminal justice needs efficiently and effectively. These are all issues that NAPO has long advocated for and consistently pushed for in our various testimonies before the Commission.

The draft report will be a very useful resource for pushing our priorities in Congress and in the discussions around shaping the future of the criminal justice system. NAPO applauds the Commission's draft report and how it took into consideration the needs of the law enforcement community, rank-and-file officers, and the criminal justice system at large in its recommendations. We hope the final report will be allowed to be released soon.

Congress in Race to Finalize FY 2021 Funding and COVID Relief

With just one week until government funding runs out on December 11 and two weeks left on this year's legislative calendar, Congress is in a race to finalize Fiscal Year 2021 appropriations and come to an agreement on a COVID relief package. House and Senate appropriators are working hard on finalizing the twelve FY 21 appropriations bill in order to pass an omnibus spending measure that funds the government through the end of the fiscal year. Both Senate Majority Leader Mitch McConnell (R-KY) and House Speaker Nancy Pelosi (D-CA) prefer to move an omnibus rather than another continuing resolution into the beginning of 2021. A continuing resolution would fund the government and all its programs at the Fiscal 2020 spending levels.

Appropriators have agreed on the top line numbers, but there remain some significant differences in the policy priorities between the House and Senate appropriations bills, including the police reform proposals included in the House-passed Commerce, Justice, Science and Related Agencies (CJS) appropriations bill (H.R. 7617). The fact that these proposals continue to be part of the discussion is concerning. NAPO reached out to House and Senate Appropriations Committee leadership and House and Senate leadership letting them know of our concerns with the House CJS legislation and requesting that they not include any provisions that would hamper a state or local government or law enforcement agency from accessing these vital grant programs. As Congress has yet to unify around police reform policies, we strongly feel these controversial provisions should be left out of the final Fiscal 2021 appropriations bill.

While top appropriators continue to negotiate, many on Capitol Hill are skeptical that an agreement will be made in time to pass the measure before the December 11 deadline. If an agreement is not reached in time, there are two possibilities being discussed: a week-long continuing resolution that gives leadership additional time to finalize the omnibus or a continuing resolution that funds the government into early next year.

Alongside appropriations negotiations, COVID relief talks have taken on a new urgency and the respective sides are moving towards compromise with the White House and House and Senate Republican and Democratic leadership exchanging new proposals. A bipartisan group of Senators released a \$908 billion relief package that has received the backing of Democratic leadership and several senior Republican Senators. The bipartisan plan is considered short-term relief and includes \$160 billion for state and local governments (a NAPO priority), another round of small business aid, additional, enhanced federal unemployment benefits, as well as funding for vaccine distribution, among other provisions. It also includes business liability protections.

While there is hope that Congress will be able to pass COVID relief before adjourning for the year, both sides continue to have significant differences that need to be overcome. Senate Majority Leader McConnell continues to oppose the inclusion of aid to state and local governments and Democratic leadership continues to oppose business liability protections. If a COVID relief package can be agreed to, it is highly likely that it will be tacked on to the year-end omnibus spending measure or continuing resolution.

NAPO Partnering with Humana to Offer Medicare Advantage Webinar

NAPO has partnered with our sponsor Humana to offer a webinar on: [Groups Medicare Advantage: Understanding the Basics](#). Understanding Group Medicare Advantage plans can be challenging, but the clinical outcomes and potential savings for businesses and retirees can be substantial.

This brief webinar for NAPO members will provide an overview about these plans – see how they differ from traditional Medicare options and get tips to help you evaluate them.

WATCH NOW

For questions or more information contact Ron Abrahall with Humana, rabrahall@humana.com.

Final FY21 NDAA Preserves 1033 Program

The House and Senate Armed Services Committees released the final conference report this morning for the Fiscal 2021 National Defense Authorization Act (NDAA). In a victory for NAPO, the conference report preserves the 1033 program and does not include any of the onerous requirements for state and local law enforcement to obtain the equipment, which would essentially have prevented agencies from being able to participate in this important program.

NAPO sent [a letter to the leaders of the House and Senate Armed Services Committees](#) urging them to safeguard the Department of Defense 1033 Program, which allows State, local and Tribal 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. The conference report maintained a Senate amendment to the program which prohibits the transfer of bayonets, grenades, weaponized tracked combat vehicles, and weaponized drones – items that are not used in community policing – to State, local or Tribal law enforcement agencies. It also ensures that any law enforcement agency that receives surplus military equipment from the

1033 program trains its officers on “respect for the rights of citizens under the Constitution of the United States and de-escalation of force.”

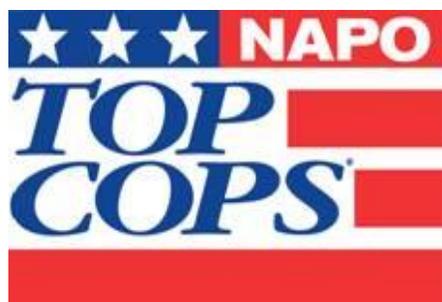
The biggest hurdle for the NDAA now is language included in the conference report that requires the renaming of military bases named in honor of Confederates, which has drawn a veto threat from President Trump. If they cannot convince the President to remove the veto threat, there is enough support in both the House and Senate to override the veto.

NAPO thanks the leadership of the House and Senate Armed Services Committees for maintaining the 1033 Program for state and local law enforcement and ensuring they continue to have access to the vital equipment provided through this program for the safety of our officers and the communities they serve.

Georgia Senate Runoff Determines Fate of the Senate

The Georgia Senate runoff on January 5, 2021 will determine if Republicans maintain control of the Senate and if President-Elect Biden will be dealing with a split Congress. Senator David Perdue is running against Democrat Jon Ossoff and Senator Kelly Loeffler is running against Democrat Reverend Raphael Warnock. If Senators Perdue and Loeffler win, Republicans will maintain their 52-48 majority, whereas if Democrats Ossoff and Warnock win, the Senate will be split 50-50 with Vice President Harris being the tie breaker.

The Georgia runoff election is important as the Senate will have a significant say on police reform policies and a Republican Senate will counter – as it did this year – the Democratic House’s more radical proposals. Our ability to protect qualified immunity for officers, safeguard officer due process, stop continuing efforts to “defund the police”, and have a voice in reforming policing practices hinges on the results of this election. If Democrats win both Senate seats, it will be an uphill battle to make certain damaging police reform policies are not put in place.



**28th Annual TOP COP AWARDS® Dinner
May 12, 2021**

MGM National Harbor Hotel & Casino

**Don't let your TOP COPS nominations get lost in the
holiday shuffle! The January 11th deadline for
nominations will be here before you know it!**

Please take the time to nominate examples of outstanding police work for the prestigious award TOP COPS Award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide.

Join us in honoring America’s Finest by nominating a case today. The [nomination form](#) must be postmarked or faxed (703) 684-0515 by **January 11, 2021**. If you have any questions please do not hesitate to contact NAPO’s Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703) 549-0775.

With your help and partnership, the TOP COPS Awards® will continue to be a tremendous success!

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.

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.