



# The Washington Report

The Newsletter of the National Association of Police Organizations

*Representing America's Finest*

February 7, 2017

***~ REGISTER NOW ~***

## NAPO's 29TH ANNUAL PENSION & BENEFITS SEMINAR

Please join NAPO at our 29th Annual Police, Fire, EMS and Municipal Employee Pension & Benefits Seminar February 26 - 28, 2017 at Hyatt Regency Grand Cypress in Orlando, Florida.

Thanks to the assistance of our impressive advisory board, we are receiving overwhelming responses to our seminar. Our goal is to educate pension and union representatives, along with their providers, on the latest issues surrounding the pensions and benefits industry.

This year's key issues include: Economic and Political Updates, Asset Allocations, Alternative Investments, Department of Labor's New Fiduciary Rules, Rising Health Care Costs, The Imposition of the "Cadillac Tax" on Public Safety Plans, just to name a few.

Take an active role in improving the future of your fund by registering for this informative seminar. If you have any questions, please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6276 or email [eloranger@napo.org](mailto:eloranger@napo.org).

## NAPO Opposes "National Right to Work" Legislation

Many news outlets have trumpeted the introduction of new proposed federal legislation that would remove the ability of employee organizations and unions to have so-called "security agreements" in place, which require covered employees in the bargaining unit to join the union or organization. This is frequently known as a "closed shop" situation. Opponents of these agreements are trying to effectively prohibit them by amending two existing federal laws which currently protect both unions and employers. Many of our members have contacted the NAPO office expressing concern about the new proposed legislation. While there is cause for concern, **it is important to note that these proposals, even if they passed Congress, would not directly impact state or local police officers or deputies.**

NAPO has voiced our strong opposition to the National Right to Work Act (H.R. 785), which would repeal the provisions of the federal National Labor Relations Act (NLRA) that permit employers, pursuant to a union security agreement, to require employees to join a union as a condition of employment. It also would amend the federal Railway Labor Act to remove provisions allowing railroad carriers to require payroll deduction of union dues or fair share fees as a condition of employment.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

317 S. Patrick Street ~ Alexandria, VA 22314 ~ (703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515

[www.napo.org](http://www.napo.org) ~ Email: [info@napo.org](mailto:info@napo.org)

These proposals would not directly impact our members because state and local governments are specifically excluded from the definition of covered “employers” under the NLRA and employees who work for an excluded employer are also explicitly excluded from coverage under the existing federal law. The National Right to Work Act would only affect those in industries covered by the NLRA or Railway Labor Act such as trades, construction, hotels, and manufacturing.

While neither the NLRA nor the Railway Labor Act cover state and local police officers or deputies, NAPO opposes this legislation because it represents a significant hit to labor and a curtailing of employees’ basic rights to bargain collectively for wages, hours and working conditions. More significantly for our members, if it passes, it could serve as a model for state right to work laws across the country which could directly impact our officers and deputies.

NAPO will keep our members updated on the status of the National Right to Work Act. This legislation has been introduced every Congress for over the past ten years and it has seen little progress. NAPO believes that this current version of the Act does not currently have traction despite having a Republican-controlled legislature and President, but we are prepared to fight any movement of the bill.

Please also see [NAPO’s letter of opposition of February 3, 2017](#) for additional information.

## **NAPO on the Hill: Meeting with Judiciary Chairman’s Staff**

NAPO met with the new counsel for the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations to introduce the staff to NAPO and our priorities for the 115th Congress. Specifically, we discussed the Public Safety Officers’ Benefits (PSOB) Improvement Act, NAPO’s concerns with the proposed amendments to the Electronic Communications Privacy Act (ECPA), the Thin Blue Line Act and the Line of Duty Act, and the Children of Fallen Heroes Scholarship Act, all of which fall under the Committee’s jurisdiction.

### PSOB Improvement Act

The PSOB Improvement Act passed the Senate by unanimous consent last year but was stalled in the Judiciary Committee as staff considered including it as part of a larger criminal justice reform package in order to gain law enforcement support. In meeting with the new counsel, we pushed for the Committee to act on the bill quickly as a standalone bill once it is introduced and she indicated support for taking swift action on it. We expect the bill to be reintroduced by Congressman Peter King (R-NY) within the next month.

NAPO helped craft the PSOB Improvement Act to address the issues of transparency and timeliness of case determinations within the PSOB Program. This bill would return the PSOB Program to a presumptive benefit and restore the “substantial weight” standard that requires PSOB to give substantial weight to the findings of federal, state, and local agencies as to the cause of the public safety officer’s death or disability. It would ensure that children of fallen or disabled public safety officers would still be eligible for education benefits if an adjudication delay causes them to age out of benefit eligibility before their claim is approved. It would increase transparency through weekly and biannual public reports on the status of claims.

### ECPA Reform

The Email Privacy Act (H.R. 387) would amend ECPA to add a requirement for law enforcement to obtain a warrant for the contents of stored communications. However, while NAPO agrees that ECPA does need to be updated, the bill would place an undue burden on law enforcement’s ability to gather evidence that can help solve crimes in the digital era. The bill also completely ignores real and growing challenges faced by investigators and prosecutors in obtaining electronic evidence when they obtain the required legal process.

Further, the Email Privacy Act does not contain sufficient exceptions to the warrant requirement for urgent situations like an imminent threat of physical harm, likely destruction of evidence, consent by a victim or a witness, or public safety emergencies that are not necessarily part of a criminal investigation (missing child, missing elderly adult) and it does not adequately address the lack of standards for service provider response to law enforcement legal demands.

Judiciary Committee Chairman Bob Goodlatte (R-VA) is a cosponsor of the legislation and while his staff understands our concerns, there was no indication of any desire to slow down the process so law enforcement could have a venue to voice our concerns. After this meeting, House leadership fast-tracked the bill, skipping the committee process, and brought it straight to the floor on February 6<sup>th</sup> and where it passed by voice vote. While we were not able to stop it in the House, as we demonstrated last Congress, we have allies in the Senate who are willing to work with us to address our concerns with the legislation.

#### Thin Blue Line Act/Line of Duty Act

NAPO strongly supports increasing penalties on those who harm or target for harm public safety officers by making the murder or attempted murder of a state or local police officer an aggravating factor in sentencing determinations. The Line of Duty Act would add new criminal provisions to address the assault and murder of federal and federally-funded law enforcement officers and those who flee to avoid prosecution for such crimes. The Thin Blue Line Act (H.R. 115) would increase penalties on those who harm or target for harm public safety officers by making the murder or attempted murder of a local police officer, firefighter, or first responder an aggravating factor in death penalty determinations.

Committee staff stated that the Committee is planning on addressing these two important bills with a hearing within the next few months focused on the increase in assaults on police officers that this country has been experiencing over the past year.

#### Children of Fallen Heroes Scholarship Act

The Children of Fallen Heroes Scholarship Act would qualify the children of public safety officers who died in the line of duty for the maximum award for Pell Grants and eliminate any expected family contributions. This bill passed the Senate last year by unanimous consent, but was held up in the House. This bill will be reintroduced this Congress by Representatives Brian Fitzpatrick (R-PA) and Brendan Boyle (D-PA) this week. NAPO is working to make certain this bill is taken up and moves through the House Judiciary Committee quickly. It was also referred to the House Education and Workforce Committee, where we will have the most work getting it through.

NAPO looks forward to working with the Committee to move these important bills and we will keep our members updated on their status.

If you have any questions about NAPO's meetings on the Hill or the issues addressed, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **Senate Judiciary Committee Approves Sessions to be Attorney General**

On February 1<sup>st</sup>, the Senate Judiciary Committee voted to approve Senator Jeff Sessions (R-AL) to be the next Attorney General in an 11-9 vote, along party lines. The full Senate is expected to take up his confirmation this week after it votes on Betsy DeVos' nomination for Education Secretary. The vote for her confirmation is expected to be very close and Republicans will need Senator Sessions' vote to ensure she is confirmed.

NAPO has every expectation that Sessions will be confirmed as the next Attorney General by the end of the week. We are looking forward to meeting with the new Attorney General as soon as he takes office to discuss our priorities for the Department of Justice, including the changes we would like to see to the Civil Rights Division and the COPS Office as well as adequate funding for state and local law enforcement grant programs.

## **NAPO Endorses Maryland U.S. Attorney Rosenstein to be DOJ No.2**

NAPO has [endorsed the nomination of Rod J. Rosenstein](#), the United States Attorney for the District of Maryland, to be Deputy Attorney General (DAG). The DAG is the second in command at the Department of Justice (DOJ) and oversees the day to day operations of the department.

Mr. Rosenstein, appointed as the U.S. Attorney for the District of Maryland in 2005 by President George W. Bush, is the longest serving U.S. Attorney in the country, which shows a true dedication to his job and country and an ability to work across the aisle. While U.S. Attorney, he has taken on and prosecuted violent gangs, including members of the Black Guerrilla Family gang for a massive contraband smuggling scheme at the Baltimore City Detention Center.

Further, Mr. Rosenstein had an extensive career within the Department of Justice before being appointed as Maryland U.S. Attorney, including being counsel to the DAG, which will bring institutional knowledge and experience that is essential to the position.

Mr. Rosenstein is known for bringing together law enforcement from all levels of government to fight crime and is well respected by the law enforcement community. In a conversation with NAPO Executive Director Bill Johnson, Mr. Rosenstein made a point of emphasizing that rank and file police organizations, and NAPO in particular, would be true partners and be involved at the front end of policy decisions. He recognizes and understands that the vast majority of law enforcement service to our nation is done by municipal officers and deputies and wants to return the DOJ to being an effective crime fighting partner.

NAPO believes he will serve our nation well as Deputy Attorney General and we look forward to a new and positive relationship with the DOJ under the leadership of Mr. Rosenstein and soon-to-be Attorney General Sessions.

## **NAPO in the News**

On January 30<sup>th</sup>, NAPO Executive Director Bill Johnson was quoted in a *Reuters* article entitled “Emboldened by Trump, some police unions seek to overhaul Obama’s reforms”. Specifically, the article looks at how police unions view consent decrees between the Department of Justice and police departments. Under the Obama Administration, departments often found that the consent decrees were over-reaching and stifled their interests and judgments in managing their own affairs.

“Bill Johnson, head of the National Association of Police Organizations, which represents about 241,000 officers, said he expects local police associations to examine existing consent decrees to see whether the Justice Department under Obama overstepped in imposing any measures.

“Some police union officials say they have been encouraged by comments by Sessions, who has said that federal inquiries ‘smear’ police departments and ‘undermine respect for officers.’

“Under Attorney General Sessions, it’ll be more, ‘Okay, there’s a problem, let’s craft an agreement as best we can and cure it, and then move onto the next thing’,’ Johnson said.”

The full article is available at: <http://mobile.reuters.com/article/newsOne/idUSKBN15E106>

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](mailto:bjohnson@napo.org).

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