



# The Washington Report

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

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**March 19, 2018**

## **Attorney General Announces Actions to Improve School Safety**

On March 12, Attorney General Jeff Sessions announced new actions the Department of Justice (DOJ) will be taking to improve school safety and better enforce existing gun law. These new actions are based on the recommendations from national law enforcement representatives, including NAPO, offered at the roundtable discussion the Attorney General held on March 8.

The Attorney General announced the following actions by the Department:

### **Improvements to School Safety**

- Hire more school resource officers through the COPS Hiring Program by prioritizing applicants who intend to use the grants for SROs.
- Provide support for firearms and situational awareness training to law enforcement through the DOJ's National training and Technical Assistance Center and VALOR Initiative and empower such state and local training for school personnel.
- Fully participate in the Federal Commission on School Safety, established by President Trump on March 12.

### **Aggressively Prosecuting Federal Gun Laws**

- Propose regulation to clarify that bump stock style devices are machine guns under federal law, which will effectively ban the manufacture, sale or possession of these devices.
- Swift and aggressive prosecution of appropriate cases against people who are prohibited from having firearms and who lie to thwart the federal background check system.
- Continue to increase prosecutions of violent crimes and federal firearms charges.

### **Improving Information Available for Firearm Background Checks**

- Call on all relevant federal agencies to certify within 45 days that they are in full compliance with the law and reporting to the National Instant Criminal Background Check System (NICS) relevant records relating to individuals prohibited from possessing a firearm under federal law.
- Improve access to state mental health and domestic violence records through National Criminal History Improvement Program (NCHIP) and NICS Act Records Improvement Programs (NARIP) grants.

### **Technical Assistance to States**

- Assist states, at their request, on establishing and implementing extreme risk protection orders.

NAPO appreciates the Attorney General considering state and local law enforcement's suggestions and recommendations and including them in the DOJ's announced efforts to improve school safety. We look forward to continue working with the Attorney General and the Department on protecting our nation's students and communities.

## **NAPO on the Hill: Fix NICS Act**

NAPO lobbied Senate leadership to take up a clean version of the Fix NICS Act before Congress adjourns for recess on March 23. The Fix NICS Act is a bipartisan bill introduced by Senator John Cornyn (R-TX) that would enforce current law regarding the National Instant Criminal Background Check System (NICS) and provide resources and incentives for federal agencies and states to share records on individuals who are prohibited from purchasing firearms under federal law.

Current law prohibits felons, domestic violence perpetrators, and other dangerous individuals from purchasing or possessing a firearm in the United States. The National Instant Criminal Background Check System (NICS) is used to prevent these individuals from illegally purchasing firearms, but this system relies on states and federal agencies to share records on such dangerous and violent individuals. Unfortunately, failures to share such relevant information has led to horrific tragedy.

Law enforcement experience the consequences of this failure frequently on the streets of our communities. Domestic dispute calls are the most dangerous types of calls not only for victims but for responding officers as well. According to an August 2016 Report by the Community Oriented Policing Services (COPS) Office, "Deadly Calls and Fatal Encounters", the greatest number of officer deaths were for calls for a domestic dispute. In all but one case, the officer was killed with a firearm.

Further, there have been 18 firearm-related officer deaths in 2018, which is an astounding 125 percent increase from this time last year, making this year on track to become one of the deadliest years for officers in recent history.

The Fix NICS Act would address reporting failures by requiring federal agencies and states to create NICS implementation plans, holding them accountable to those plans and incentivizing them to share all relevant information, including information on domestic abusers, with NICS. It also reauthorizes key programs within NICS that help ensure that individuals who are prohibited from possessing a firearm are not able to obtain them illegally.

After the horrific year we have had, both in regard to mass shooting events and firearm assaults on officers, NAPO is urging the Senate to vote on this important bipartisan, commonsense legislation before the upcoming recess to ensure the safety of law enforcement officers and the communities they serve.

## **NAPO on the Hill: National Police Week Priorities**

NAPO, together with other law enforcement organizations, had meetings with staff of **Senate Majority Whip John Cornyn (R-TX)** and **Senate Judiciary Chairman Charles Grassley (R-IA)** to discuss our priority legislation for this Congress, in particular, pro-law enforcement legislation we want to see moved leading up to or during National Police Week. Given the timeframe, the legislation we want to move during Police Week are those bills that are bipartisan and have the support of the Judiciary Committee so that they can move quickly to the House and Senate floors.

We discussed the Children of Fallen Heroes Scholarship Act, the Protecting Lives Using Surplus (PLUS) Equipment Act, possible legislation to reform the delivery of the Public Safety Officers' Benefits (PSOB) Program to disabled law enforcement officers, draft legislation to provide federal health benefits to officers severely disabled in the line of duty, and legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers:

**The Children of Fallen Heroes Scholarship Act** would eliminate the expected family contribution (EFC) used to determine financial need in the case of a Pell Grant-eligible student whose parent or guardian died in the line of duty. Additionally, children of public safety officers who died in the line of duty would qualify for the maximum Pell Grant award (\$5,815 for FY16-17) if he or she was less than 24 years old or enrolled at an institution of higher education at the time of the parent or guardian's death.

**The PLUS Equipment Act / Lifesaving Gear for Police Act** would ensure that no president is able to restrict state and local law enforcement's access to surplus military equipment through the Department of Defense 1033 Program and other equipment acquisition programs through the Departments of Justice and Homeland Security without Congressional action. This lifesaving equipment used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This legislation will stop surplus military equipment from being used as a political football every time a new administration is elected. Representative Ratcliffe is the sponsor of this vital legislation.

**PSOB disability reform** is necessary as the bar established by the Program to award a disability benefit is set too high and flies in the face of the intent of the Program. The current requirement is that the injury must be so severe that the officer is unable to perform any full- or part-time job that is compensated and that the officer must have no chance of getting better. This standard has led to many officers who are permanently and totally disabled being denied PSOB benefits because they are able to perform menial tasks that could qualify as "gainful work" under the definition, but not by societal standards.

DOJ regulations are still pending that may impact the threshold for qualifying for PSOB disability benefits, which is why we have not introduced legislation yet addressing this issue.

**Legislation to provide federal health benefits to officers severely disabled in the line of duty** is a priority for NAPO as many officers disabled in the line of duty and no longer employed by their public safety agency often find themselves without health coverage for themselves and their families. By providing these officers and their families access to discounted federal health benefits through the Federal Employee Health Benefits Program, it would help remove a great financial burden from the loved ones of those who sacrificed so much for the safety of our communities.

**Increased penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer** because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. The **Thin Blue Line Act** passed the House in May 2017 and we hope to pass it through the Senate this year. Additionally, we are working to introduced new legislation to add further protections for officers against violent crimes aimed at them.

Staff for Chairman Grassley expressed initial support for our National Police Week bill package and asked to be kept informed of the status of the various bills as we work to move them through the House and Senate. Senator Cornyn's staff indicated strong support for our efforts to increase penalties for violent crimes against officers and stated they were willing to work with us to move these bills in whatever manner possible.

NAPO continues to meet with House and Senate leadership and Committee staff to ensure our ability to move these bills in the run up to National Police Week. 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).

## NAPO Attends Public Pension Network Meeting

On March 15, NAPO attended the monthly Public Pension Network (PPN) meeting, which brings together public pension practitioners and retirement systems, public sector labor organizations, and state and local government representatives to discuss the latest updates on public pension and social security issues being considered by Congress and the Administration.

The budget compromise that passed Congress in February included language establishing a Joint Select Committee on the Solvency of Multiemployer Pensions Plans that has the goal of submitting legislation to Congress by the end of November that would solve the pension crisis facing several multiemployer pension plans. The Joint Committee is a bicameral committee chaired by Senate Finance Committee Chairman Orrin Hatch (R-UT) and Senator Sherrod Brown, who serves as a senior member on the Finance Committee. They are joined on the Joint Committee by Senators Mike Crapo (R-ID), Lamar Alexander (R-TN), Joe Manchin (D-WV), Rob Portman (R-OH), Heidi Heitkamp (D-NC) and Tina Smith (D-MN), and Representatives Richard E. Neal (D-MA), Bobby Scott (D-VA), Virginia Foxx (R-NC), Vern Buchanan (R-FL), Phil Roe (R-TN), David Schweikert (R-AZ), Donald Norcross (D-NJ) and Debbie Dingell (D-MI).

Although the Joint Committee is focused on the solvency issues facing multiemployer pension plans, there is a distinct possibility that the legislation it produces could affect public employee retirement plans as well. The PPN's biggest concern is that the Public Employee Pension Transparency Act (PEPTA) could make its way into the bill, given that Senator Hatch has been a primary supporter of that legislation in the past.

NAPO and members of the PPN have a strong opposition to the public pension requirements contained in PEPTA as they do not protect benefits, save costs or improve retirement system funding. We believe they are unfunded mandates and an inappropriate federal intrusion into areas that are the fiscal responsibility of sovereign States and local governments, and are conflicting, administratively burdensome and costly. Further, PEPTA threatens to eliminate the tax-exempt bonding authority of state and local governments.

Federal interference in state and local public pensions not only violates the principles of federalism, but represents a fundamental lack of understanding regarding state and local government operations and financing, including governmental accounting rules and strict legal constraints already in place that require open financial reporting and processes. It also ignores the fact that every state and countless localities have recently made modifications to pension financing, benefits structures, or both.

The PPN will have meetings with staff of the Joint Committee members to educate them of our opposition to public pension reform and will work to ensure such provisions are not included in any product produced by the Joint Committee.

## NAPO Participates in Criminal Justice Brown Bag

On March 12, NAPO attended the monthly National Criminal Justice Association (NCJA) Brown Bag meeting. Senior staffers for **House Judiciary Committee minority staff for Ranking Member Jerry Nadler (D-NY) and Crime Subcommittee Chair Sheila Jackson Lee (D-TX)** attended the meeting and spoke on the agenda for the Committee from the minority perspective.

Democrats on the Committee are still dedicated to moving criminal justice reform legislation and believe that Chairman Bob Goodlatte (R-VA) is also interested in moving such legislation. The Sentencing Reform and Corrections Act, which NAPO has some serious concerns with, has not yet moved through Committee and there is currently no concrete strategy to pass criminal justice reform in the House. Given Attorney General Sessions'

strong opposition to sentencing reform, the House may try to move forward on just correctional reform, but Committee Democrats oppose that effort as they do not believe one should move without the other. The staff also indicated that Ranking Member Nadler and Chairwoman Lee are interested in moving policing reform as well.

While staff has not shared the draft language of the police reform measure, we have been told that it will include a couple of concerning provisions:

- Grants for Law Enforcement Agency Accreditation and agencies that get accredited will be prioritized for any and all federal grants; and
- Federal data collection on all law enforcement practices (including deadly force, traffic violations, citations, detentions, frisks and searches, and stops – including those that do not result in an arrest/action), and agencies that fail to report this data will be prohibited from getting any federal grant funding for a specified amount of time.

We will work with both the majority and minority members of the Committee on criminal justice reform, particularly the police reform legislation as it continues to take shape, ensuring they understand and consider law enforcement's concerns. NAPO will keep our members up to date on the Committee's work in this area as well as any of NAPO's priority legislation.

## **NAPO's 2018 Legislative Update Breakfast and Lobby Day** **May 15, 2018 ~ Omni Shoreham Hotel**

Please join NAPO on Tuesday, May 15 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 115<sup>th</sup> Congress and to receive handouts to use during Hill visits. Please note: due to The Annual Wreath Laying Ceremony, also scheduled for May 15, we will not be hosting an Awards Luncheon this year, instead presenting our Legislative Awards in the respective Senators' & Representatives' Offices.

### **Schedule of Events**

Registration	Omni Shoreham Hotel	9:00 a.m. - 9:30 a.m.
Legislative Update Breakfast	Omni Shoreham Hotel	9:30 a.m. - 10:30 a.m.
Capitol Hill Visits	Capitol Hill	11:00 a.m. - 4:00 p.m.

*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](mailto:aedmiston@napo.org), by May 2.*

The registration fee of \$75.00 per person includes the Legislative Update Breakfast and Handouts for Congressional Visits. **Advanced Registration is required.** Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or [eloranger@napo.org](mailto:eloranger@napo.org) if you have any questions regarding the seminar or hotel arrangements.

**Please Register online or complete the registration form and return to NAPO at [eloranger@napo.org](mailto:eloranger@napo.org) or Fax to (703) 684-0515 by MAY 4, 2018.**