



# The Washington Report

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

February 22, 2019

## NAPO on the Hill: LEOSA Reform Act



February 13: LEOSA Reform Press Conference. NAPO Executive Director Bill Johnson with the bill's sponsor, Representative Don Bacon (R-NE), Nancy Savage with the Society of Former Special Agents of the FBI, Representative John Rutherford (R-FL), Representative Pete Stauber (R-MN), and Pat O'Carroll with the Federal Law Enforcement Officers Association.

On February 13, NAPO Executive Director Bill Johnson joined Congressman Don Bacon (R-NE) in a press conference to announce the introduction of the LEOSA Reform Act (H.R. 1156). He was joined by Congressmen John Rutherford (R-FL) and Pete Stauber (R-MN), who are original cosponsors of the legislation, as well as Nancy Savage, Executive Director of the Society of Former Special Agents of the FBI and Patrick O'Carroll, Executive Director of the Federal Law Enforcement Officers Association.

NAPO worked tirelessly with members of Congress to enact the Law Enforcement Officers Safety Act (LEOSA) in 2004 to rightly allow off-duty and retired police officers to carry their firearms for the protection of themselves, their families and our nation's communities. Since its enactment, we have pushed for and supported several amendments to improve its implementation to ensure that the law is

easily, fairly and broadly implemented across the country. However, qualified off-duty and retired officers continue to encounter roadblocks when exercising their right to carry under LEOSA.

The objective of the LEOSA Reform Act is to address specific issues that qualified active and retired law enforcement officers are facing when utilizing their rights under the law. The bill would expand the areas qualified current or retired officers are allowed to carry a firearm, including on a Gun Free School Zone; on state, local and private property otherwise open to the public; and in certain federal facilities. It will allow qualified officers and retired officers to carry an ammunition magazine of any capacity that is not prohibited by federal law. Importantly, it will reform qualifications standards to alleviate undue burdens for those carrying under LEOSA.

With the rise in violence against law enforcement officers and the recent tragic mass shootings across our country, allowing all qualified officers and retirees, who have sworn to serve and protect our communities, to carry in accordance with LEOSA would allow them to respond more efficiently and effectively in emergencies for the safety of themselves and those around them. The LEOSA Reform Act will go a long way to ensuring all qualified off-duty and retired or separated officers across the country can rightfully carry under LEOSA.

NAPO thanks the Congressman for his continued support of the law enforcement community, and we look forward to working with him and Congressmen Rutherford and Stauber to pass this important legislation.

View the press conference [here](#).

## **NAPO Court Victory on Behalf of Officers**

In a victory for NAPO and law enforcement officers across the country, the United States Court of Appeals for the Fifth Circuit (one step below the Supreme Court) has followed our legal argument and granted a new hearing on the issue of immunity for officers involved in a use of force. NAPO had argued that the Court made a mistake when it first evaluated this case and declined to find that the officers had immunity from suit. NAPO, along with our member association the Combined Law Enforcement Associations of Texas (CLEAT), urged the Court to rehear this case, and now they have agreed to do so.

**NAPO was the only national police labor group to get involved, and CLEAT was the only Texas police labor group to do so, as well.**

[NAPO and CLEAT's Amicus Brief](#)

[Court Order Granting a Rehearing](#)

We will keep all our members advised of the results of the rehearing. If you have any questions about this case or other court cases NAPO has gotten involved in, please contact Bill Johnson at [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **NAPO on the Hill: 116<sup>th</sup> Priorities**

NAPO met with the staff of Senators John Cornyn (R-TX), Patrick Leahy (D-VT) and Pat Toomey (R-PA) and Congressman and Co-Chair of the House Law Enforcement Caucus Bill Pascrell (D-NJ), to discuss our priority legislation for this Congress.

We discussed the need for legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, reauthorization of the Bulletproof Vest Partnership Grant Program, the Never Forget the Heroes: Permanent Reauthorization of the

September 11<sup>th</sup> Victims Compensation Fund Act, the Protecting Lives Using Surplus (PLUS) Equipment Act, legislation to fix the Public Safety Officers' Benefits (PSOB) Program as it relates to 9/11-related health conditions, the LEOSA Reform Act:

**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. NAPO is backing two bills that would provide increased penalties for such violent crimes against officers – the **Thin Blue Line Act**, sponsored by Representative Vern Buchanan (R-FL) and Senator Toomey, and the **Protect and Serve Act**, sponsored by Representatives John Rutherford (R-FL) and Val Demings (D-FL). Both bills pass the House last Congress.

**The Bulletproof Vest Partnership (BVP) Grant Program** is a grant program through the Department of Justice that helps fund state and local law enforcement efforts to purchase bullet resistant vests for their officers. This grant is a critical resource for state and local jurisdictions that saves lives. To date, more than 3,000 law enforcement officers have survived shootings thanks to their bullet resistant vests. Those officers are only a fraction of the over 900,000 law enforcement officers who put their lives at risk every day to protect our nation's communities. Congress must reauthorize the BVP Grant Program before its authorization runs out in 2020. Reauthorizing and fully funding the BVP Grant Program will ensure that all of America's law enforcement officers are provided with the life-saving protection they need.

Senator Leahy will be introducing this important bill in the weeks ahead.

**The Forget the Heroes: Permanent Reauthorization of the September 11<sup>th</sup> Victims Compensation Fund Act** would permanently reauthorize the 9/11 Victims Compensation Fund (VCF). The VCF's authorization is set to expire in December 2020, but according to the Special Master, the Fund is no longer able to fully compensate the remaining claims due to the significant increase in claims it has seen over the past year alone. Reauthorizing and refunding the VCF now is more important than ever as 9/11 victims and first responders are succumbing to their 9/11-related illnesses and it is our obligation and duty to remember these heroes and ensure that survivors who risked their lives to protect us continue to receive the compensation that they deserve.

**The PLUS Equipment 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. Senator Toomey is planning on reintroducing this important legislation.

**Legislation to fix the PSOB Program to ensure that the families of officers who have died or become catastrophically injured due to their 9/11-related health conditions receive the benefits they rightly deserve.** The PSOB regulations that were finalized last year highlighted a couple of significant issues related to 9/11-related claims. The first is that for these claims, the injury date – which determines the amount of death or disability benefits the family receives – is September 11, 2001. The benefit amount on September 11, 2001 was \$250,000, which is \$109,316 less than the benefit amount given today. Further, given that the injury date also defines who is considered a child of a public safety officer, any children born after September 11, 2001 will not be eligible to receive PSOB death, disability or education benefits. The statute must be fixed to ensure that the families and survivors of officers who have died or become totally disabled from a 9/11-related health condition receive the full benefits they deserve. NAPO worked closely with Senator Kirsten Gillibrand (D-NY) on legislation to fix these issues, which she will be introducing in the coming weeks.

**The LEOSA Reform Act** would ensure the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented.

Staff from each of the offices expressed support for our priorities and we look forward to working with them to move these bills forward. NAPO will continue meeting with members of the House and Senate to gain support for our priority legislation. 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).

## **Barr Confirmed as Attorney General**

The Senate confirmed William P. Barr to be United States Attorney General on February 14 and he was sworn into office that afternoon by Supreme Court Chief Justice John Roberts. NAPO endorsed Mr. Barr's nomination due to his experience and prior tenure at the U.S. Department of Justice, including as Attorney General under President George H.W. Bush, which we believe make him uniquely qualified to be our nation's Attorney General.

We look forward to working with Attorney General Barr to ensure our nation's state and local law enforcement have the full backing and support of the Justice Department.

## **NAPO-Backed Public Safety Collective Bargaining Bill Introduced**

Congressman Dan Kildee (D-MI) reintroduced the Public Safety Employer-Employee Cooperation Act (H.R. 1154) on February 13. This legislation is one of NAPO's top priorities, especially in the aftermath of the U.S. Supreme Court's *Janus* decision, as it would extend basic collective bargaining rights to state and local public safety officers.

While some public safety agencies have benefited from a productive partnership between employers and employees, many agencies have not. Currently, many states do not allow public safety employees the fundamental right to bargain with their employers. History shows that denying workers the right to bargain collectively causes poor morale, the waste of resources, unfair and inadequate working conditions, and low productivity. Ultimately, it is the public's safety and security that is jeopardized by such poor working conditions for police.

The Public Safety Employer-Employee Cooperation Act will guarantee that law enforcement officers, firefighters, and emergency medical service workers in all 50 states have the right to discuss workplace issues with their employers. It will provide a framework for such discussions, while respecting the right and flexibility of states to write their own laws for public sector workers. The public safety is best protected through effective partnerships between first responders on the front lines and the agencies that employ them. This legislation will ensure that public safety officers can meet with local officials to discuss how they do their jobs and how best to protect the public.

NAPO looks forward to working with Congressman Kildee to pass this important legislation.

# NAPO Supports Reintroduction of Law Enforcement Officers Equity Act

NAPO has pledged its support for the Law Enforcement Officers Equity Act (H.R. 1195 / S. 473), sponsored by Congressman Peter King (R-NY) and Senator Cory Booker (D-NJ). This bill would expand the definition of "law enforcement officer" for retirement purposes to include certain Federal law enforcement officers, who, despite their classification as police officers, are not granted the same retirement benefits as other law enforcement officers in that class. These officers face the same risks and challenges as the law enforcement personnel currently classified as law enforcement officers.

This legislation is not only important because it will ensure all federal law enforcement officers are eligible for the same enhanced retirement benefits, but it is also significant as it will improve the ability of these agencies to recruit and retain experienced and highly trained law enforcement officers. The Law Enforcement Officers Equity Act will ensure that officers across the country, who put their lives on the line each and every day to protect us, earn the benefits that they deserve.

NAPO looks forward to working with Congressman King and Senator Booker to advance this important bill.

## COPS Office Releases Report on Officers Shot in the Line of Duty

In order to better understand the nature and frequency of incidents that could give rise to the issuance of a Blue Alert, the Community Oriented Policing Services (COPS) Office within the Department of Justice has been monitoring and tracking shootings of law enforcement officers in the United States - specifically, shootings of on-duty officers resulting in an officer being wounded or killed. These types of attacks account for nearly all situations where a Blue Alert would most likely be utilized. (Assaults by means other than firearms are not tracked due to data on such crimes not being consistently available.)

The COPS Office just released a report on the data they compiled: [Law Enforcement Officers Shot in the Line of Duty: 2018 Year-End Summary](#). According to the report, in 2018 there was a 24 percent increase in the number of officers shot and killed compared to 2017. Among the notable statistics within the report, these facts stick out when considering officer safety:

- There were **204** incidents during calendar year 2018 resulting in **251** on-duty law enforcement officers being shot – including **32** incidents where multiple officers were shot.
- **51** law enforcement officers died from their injuries and **200** survived.
- **17** law enforcement officers were shot and **5** died as a result of being ambushed.
- Another **11** officers were shot and **3** died in situations where the offender acted without warning in a premeditated/calculated manner taking an officer by surprise.

This report will be valuable as we work to convince Congress that it must pass increased protections for our nation's law enforcement officers who are facing a serious and growing trend of armed attacks against them. NAPO strongly believes that establishing stricter penalties for those who harm or target for harm law enforcement officers will deter violent crimes and add another layer of safety for the nation's law enforcement officers, who put their lives on the line each day to protect our communities.

The National Blue Alert Network – the impetus for this report – was established by the Rafael Ramos and Wenjian Liu National Blue Alert Act. This legislation was named after New York City Police Department Officers and NAPO members Ramos and Liu, who were assassinated while serving their communities. NAPO is proud to serve on the Advisory Group that helps to implement the Act and ensures the creation of a robust and effective National Blue Alert Network.

## **Congress Passes Fiscal 2019 Appropriations, Avoids Another Shutdown**

On February 15, Congress and the Administration avoided another government shutdown when the President signed into law a fiscal 2019 omnibus appropriations measure, funding the federal government through the end of the fiscal year. While the spending levels for the Justice Department (DOJ), which houses most of the state and local law enforcement assistance programs, have been decided for some time, appropriations for the Department were caught up in the fight over funding for the Department of Homeland Security and border security.

NAPO's continued outreach to members of Congress calling for full funding for NAPO's priority grant programs within the DOJ paid off in the fiscal 2019 omnibus spending measure. Within the COPS Program, Congress funded Hiring Program at \$228.5 million, \$10 million for active shooter training, \$40 million for meth and heroin task forces and \$25 million for grants under the STOP School Violence Act. Appropriators also dedicated \$2 million under the COPS Program for training, peer mentoring and mental health program activities authorized under the Law Enforcement Mental Health and Wellness Act. NAPO has been calling for a dedicated funding stream for peer mentoring programs in the wake of the passage of the Law Enforcement Mental Health and Wellness Act, and while we strongly believe more funding must be dedicated to these programs, we believe this is another step forward in ensuring officers get access to mental health and wellness programs.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which went from \$12 million in FY17 to \$30 million in FY18, was funded at \$31 million, showing the strong support among members of Congress to ensuring adequate funding for crisis intervention teams (CIT) and other mental health training for law enforcement. This sustained increase means that more departments can send officers to receive vital training in how to respond to calls of a person in a mental health crisis.

The Byrne Justice Assistance Grant (Byrne JAG) program got a small bump in funding at \$423.5 million from \$415.5 million in FY18, but the extra money is to cover several carve-outs from the program, including the VALOR Program and Project Safe Neighborhoods (PSN). VALOR is being funded at \$12 million and PSN at \$20 million.

Other DOJ NAPO priorities were funded at similar levels to last fiscal year: \$25 million for the Bulletproof Vest Partnership (BVP) Grant Program; \$20 million for the Adam Walsh Act; \$22.5 million to help agencies purchase and maintain body-worn cameras; and \$75 million for the STOP School Violence Act. The omnibus also included \$75 million in DOJ funding to help states upgrade criminal and mental health records for the National Criminal Instant Background Check System (NICS).

**If you have any questions about the legislation discussed in this issue of the Washington Report, contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org) or (703) 549-0775. 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.**