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Representing America's Finest

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NAPO Meets with Vice President Biden on Community Policing

NAPO Executive Director Bill Johnson joined leaders from other major national law enforcement organizations in a meeting with Vice President Biden on August 3rd to continue the discussion on how to build trust between law enforcement and the communities they serve. This is the third such meeting with the White House after the senseless killing of five officers in Dallas on July 7th.

Johnson brought up the need for the Department of Justice (DOJ) to prosecute those who attack, kill or harm law enforcement officers. There are two possible options for the DOJ to claim federal jurisdiction over cases where officers are attacked or killed. First, NAPO believes that any state or local officer within a jurisdiction that has received federal funding for law enforcement purposes is thereby covered with sufficient federal interest to justify federal criminal charges if that officer is a victim of assault or homicide. The second option is that state and local law enforcement, as part of the performance of their duties, are protectors of citizens' civil rights and any attacks on officers is a violation of civil rights. This would give sufficient federal status to justify a DOJ Civil Rights Division prosecution of those who commit violent crimes against state and local law enforcement officers.

The Vice President responded to Johnson's suggestions by reiterating the President's assertion that the Dallas shooter would have been prosecuted for a federal hate crime had he lived. While NAPO appreciates this statement, it is much more than a hate crime prosecution that we are looking for – we want violent crimes against law enforcement to be federal crimes. NAPO has made this point continually for the past year in meetings with the President, Vice President, Attorney General and the Assistant Attorney General for the Civil Rights Division and we will continue to make it until we see action on it.

Additionally, Johnson mentioned that state and local law enforcement must have unfettered access to defensive gear and that access to riot helmet and shields and other protective equipment should not be controlled or restricted in any way by the federal government. The Vice President restated that it was never the Administration's intent to do away with any equipment needed by law enforcement, but balked at the idea of removing tracked armored vehicles and the like from the prohibited equipment list.

The Vice President also made comments on the Public Safety Officers' Benefits (PSOB) Program and stated that the burden should be on the government to prove that the officer did not die or become permanently and catastrophically disabled in the line of duty or due to gross negligence. As a senator, the Vice President sponsored the bill that created the PSOB Program and he said that it was not his intent to place that burden on the survivors and families. He indicated that his staff is "working on it" and a way to streamline the claims determination process.

The Vice President also singled out NAPO's TOP COPS Awards® as a program the entire law enforcement community should support. The purpose of the TOP COPS Awards® is to educate the American public about our nation's heroes and to pay tribute to law enforcement officers in federal, state, county, tribal and local agencies from across the country for actions above and beyond the call of duty during the preceding year. Vice President Biden has been an avid supporter of the TOP COPS Awards® since NAPO began hosting the awards almost 24 years ago.

The White House is working on setting up another meeting with the Vice President and law enforcement leadership for September. NAPO will continue to beat the drum that rank-and-file officers must be given the protection they need through stricter penalties for assaulting or killing an officer and unregulated access to defensive gear.

NAPO Submits Comments to Administration, DOJ Regarding Access to Surplus Military Equipment

On August 5th, NAPO submitted comments to the Administration as well as the Department of Justice (DOJ), which heads the Law Enforcement Equipment Working Group, on the changes that must be made to the prohibited and controlled equipment lists created pursuant to Executive Order 13688. NAPO's top concern is the need for unfettered access to vital defensive gear, such as ballistic helmets, shields and body armor, which, although allowed under the Executive Order, agencies must jump through unnecessary and burdensome hoops to obtain.

NAPO strongly believes that the policies resulting from the executive order are extremely detrimental to officer morale, as well as safety, as the rank and file officer on the street is left to wonder why something so basically necessary and purely defensive as a helmet or shield is being unilaterally restricted by federal executive order.

The DOJ has indicated that any changes to the equipment lists will be announced prior to the start of the 2017 fiscal year on October 1st. You can read NAPO's comments [here](#).

NAPO Talks with DOJ on Federal Prosecution of Violent Crimes Against Police

On August 4th, NAPO's executive director and governmental affairs director discussed with leadership of the Department of Justice Office of Legislative Affairs (DOJ OLA) possible legislation that would codify the federal government's ability to prosecute violent crimes against state and local law enforcement officers. NAPO was interested in the DOJ OLA's thoughts on whether legislation to federally prosecute these crimes was necessary and what that would look like.

While the Department is not allowed to consult with non-governmental organizations on legislation, the DOJ OLA indicated that it may only be a policy change and not a change in law that would give the Department the ability to prosecute the assault or killing of a state and local law enforcement officers as a violation of civil rights. As for NAPO's belief that there is enough federal interest to justify federal criminal charges in the case of an attack or murder of a federally-funded officer, the DOJ OLA stated that would most likely need to be done through legislation and they would be happy to consult with a member of Congress to put forth such legislation.

NAPO will be pursuing both avenues: legislation to make it a federal crime to assault, kill or harm a state or local law enforcement officer and a policy change within the Department to ensure that the Civil Rights Division prosecutes violent crimes against officers as a violation of civil rights. NAPO will keep our members

updated on the status of this work and we are continuing to fight to ensure rank and file officers get the protections and support they need to keep themselves and the communities they serve safe.

NAPO in the News

On August 1st, NAPO President Michael McHale was quoted in a *Washington Times* article entitled, “Police shootings drive hunt for better armor”. The article focuses on the rise in firearm-related assaults on law enforcement officers, specifically the increase over the past five years in officers fatally shot in the line of duty by high-powered rifles, and the move of some police departments to purchase stronger, heavier duty protective equipment.

“The men and women of law enforcement are facing a high number of incidents where the assaults and the assassination of law enforcement officers warrants the availability of this equipment,” said Michael McHale, president of the National Association of Police Organizations. “They are in many situations being outdone.”

The full article is available at: <http://www.washingtontimes.com/news/2016/aug/1/police-shootings-drive-hunt-for-better-armor/>

On August 6th, NAPO Executive Director Bill Johnson was interviewed for a *Boston Herald* article entitled, “Cop coalition backs BPD unions in call to rearm”, which reported on a joint letter sent to Boston Mayor Martin Walsh and Police Commissioner William Evan by the Boston Police Patrolmen’s Association, the Boston Police Detectives Benevolent Society and the Boston Superior Officers Federation. The letter called on the Mayor and the Police Commissioner to give officers additional long guns, bulletproof shields and other defensive gear to protect them from terrorists and cop-killers. NAPO stands with our brothers and sisters in Boston in calling for additional defensive gear and weapons for officers to better protect themselves.

“The complaints they list are real and legitimate, and not confined to Boston,” said William J. Johnson, executive director of the National Association of Police Organizations (NAPO), adding later: “We share the Boston unions’ frustration, and especially as regards wholly defensive gear, such as helmets and shields and vests and armor.

“That this is happening across our country is disheartening, to say the least,” Johnson said. “To see it happen in Boston, where the Marathon bombing occurred, and where, in the surrounding towns, the bombers murdered one officer and tried to kill many others is beyond belief.”

The article also quoted [NAPO’s letter to the Department of Justice](#) regarding changes that must be made to the law enforcement prohibited and controlled equipment lists for surplus military equipment:

“Policies such as this are extremely detrimental to officer morale, as well as safety, as the rank-and-file officer on the street is left to wonder why something so basically necessary and purely defensive as a helmet or shield is being unilaterally restricted by federal executive order,” states the NAPO letter, which was provided to the Herald.

The full article is available at:
http://www.bostonherald.com/news/local_coverage/2016/08/cop_coalition_backs_bpd_unions_in_call_to_rearm

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.

NAPO on the Hill: Meeting with Ways and Means Committee Staff Regarding Social Security Reform

On August 1st, NAPO's governmental affairs director meet with staff of Ways and Means Committee Chairman Kevin Brady (R-TX) to discuss the Equal Treatment for Public Servants Act (H.R. 711), of which Chairman Brady is the sponsor. This bill would repeal the Windfall Elimination Provision (WEP), replacing it with a new Social Security benefit formula designed to more accurately account for years a public employee paid into Social Security versus the years paid into a public pension system in a non-Social Security covered position. Additionally, H.R. 711 provides for an annual WEP rebate, estimated to be 15 percent of the WEP reductions for the year, for beneficiaries becoming newly eligible for benefits before 2018.

As a result of the formula change, the Social Security actuary has projected that the majority of current retirees impacted by the WEP would see roughly one-third of their benefit restored. However, there would still be a minority of public safety officers who have more than 30 years paying into Social Security who would see their benefits cut under this new formula. We worked with the firefighters to support amendments to the bill – sponsored by Representative Bill Pascrell (D-NJ) – that would address this issue by ensuring no public safety officer is negatively impacted by the formula change.

Chairman Brady opposes these amendments as he believes they would cost too much and he has indicated that these amendments would force him to lower the annual WEP rebate to retirees from 15 percent down to 4 percent. When the bill was scheduled for markup in the Ways and Means Committee on July 13th, it was evident that Representative Pascrell's amendment had the support of a majority of Committee members and Chairman Brady pulled the bill from consideration at the last minute.

NAPO met with Chairman Brady's staff to discuss our support for H.R. 711 as well as the reasoning behind our support for Representative Pascrell's amendments and the possibility of a compromise that ensures that retirees get a decent WEP rebate and a significant majority of public safety employees are not negatively impacted by the new formula. Chairman Brady is dedicated to moving this bill and hopes to secure a compromise before Congress returns after Labor Day weekend. NAPO is committed to working with the Chairman to ensure that this bill moves forward as it is the first bill in the over 30 years that we have been fighting the WEP that has a considerable chance of passing.

Public safety employees are 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 benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

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 Chairman Brady and Congressman Richard Neal (D-MA), has resulted in H.R. 711. We will continue to fight for this bill and will update our members on its status.

NAPO on the Hill: Meeting with House Judiciary Staff

On August 4th, NAPO's governmental affairs director met with staff of House Judiciary Committee Chairman Robert Goodlatte (R-VA) to discuss three of NAPO's priority issues: the Public Safety Officers' Benefits (PSOB) Improvement Act, the Children of Fallen Heroes Scholarship Act, and the proposed police reform bill and the related House Working Group on Policing Strategies.

The House versions of the PSOB Improvement Act and the Children of Fallen Heroes Scholarship Act have been referred to the House Judiciary Committee. NAPO met with committee staff to discuss the importance of these two bills to our members and how it is a priority for us to pass these bills before the November election.

NAPO is currently working to ensure that the Senate quickly takes up and passes the PSOB Improvement Act when it returns from recess after Labor Day. This bill would improve transparency and accountability within the PSOB Program and address the current 1,000-plus claims backlog. The Children of Fallen Heroes Scholarship Act passed the Senate in May. It 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.

Chairman Goodlatte's staff understood our position, but would not guarantee that the Chairman would be willing to act quickly on these two bills given the Committee's schedule. NAPO is working with Committee members and House leadership to make certain these bills are taken up by the Committee when Congress returns in September.

As for the proposed police reform bill and the bipartisan Working Group on Policing Strategies, which the Chairman is spearheading, staff could not give us a detailed update. The police reform bill is now dependent on the work of the Working Group, which consists of members of the House Judiciary Committee, the Congressional Black Caucus and the chair of the House Law Enforcement Caucus. The Working Group was created as a response to the shootings in Baton Rouge, Minnesota and Dallas. It met once before recess and while members are back in their districts they are tasked with meeting with community and church leaders and activists as well as encouraged to not only meet with their sheriff and police chief, but to also go on a ride-along with their local police department.

NAPO is closely monitoring the work of the Working Group on Policing Strategies and has urged staff to ensure that representatives of rank and file officers have the ability to present our concerns with current police reform policies to the Working Group. The Working Group cannot just rely on law enforcement management to gain the perspective of the law enforcement community. It must meet with rank and file officers to understand how the men and women patrolling our communities' streets feel about policing in America today.

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.