



# The Washington Report

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

May 8, 2017

## NAPO Meets with Attorney General

On May 4<sup>th</sup>, NAPO's President, Mick McHale, and Executive Director Bill Johnson met with Attorney General Jeff Sessions to discuss our top priorities for the Department of Justice (DOJ) and to thank the Attorney General and his staff for all of their work on behalf of law enforcement.

The first issue McHale and Johnson raised was the repeal or reversal of President Obama's Executive Order 13688, which severely limited state and local law enforcement's access to lifesaving surplus military equipment through the Department of Defense's 1033 Program and through various grant programs through the Departments of Justice and Homeland Security. The Executive Order not only restricted law enforcement's access to this equipment, but it placed onerous and unnecessary training and reporting requirements on this equipment.



NAPO President Mick McHale with Attorney General Jeff Sessions

As a Senator, Attorney General Sessions was a cosponsor of legislation – the Lifesaving Gear for Police Act – that would have nullified the Executive Order. The Attorney General told NAPO's leadership that he remains opposed to the Executive Order and that the Administration is working on the best way to either repeal it or modify it to ensure that state and local law enforcement get access to the defensive equipment they need and no longer must adhere to the burdensome requirements of the order.

McHale and Johnson also discussed with the Attorney General the need to refocus the Community Oriented Policing Services (COPS) Program, particularly the COPS Hiring Program. In recent years, the COPS Program has shifted away from its original intent and has become a tool to move a distinct political agenda including policies such as "implicit bias" training, "procedural justice" and "police legitimacy". These policies were pushed at the expense of critical funding for the hiring and retention of officers. The funding should have been focused

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on officer and community safety measures such as lowering response time for emergency calls and two officer patrol units.

Without discussing funding, the Attorney General agreed with NAPO's concerns about the direction the COPS Program – and the entire DOJ – had taken during the previous Administration and he stated he will work with us to ensure that officers and the departments for which they work will get the necessary support from the DOJ.

Changing the direction of the Civil Rights Division was the last concern NAPO shared with the Attorney General. Under the previous administration, the Civil Rights Division has made the demonization and prosecution of law enforcement officers who have used force one of its top priorities, which has alienated the law enforcement community and seriously eroded any trust between law enforcement and the DOJ. The Civil Rights Division must view law enforcement as its ally in protecting the civil rights of our nation's citizens. The Attorney General shared this concern and he has already made headway on this issue with his call for the review of all consent decrees and memorandums, amongst other actions. He does not feel it is the federal government's job to dictate how state and local law enforcement agencies should be run.

Finally, McHale and Johnson thanked the Attorney General and his staff for his support of the Public Safety Officers' Benefits (PSOB) Program and the help they gave us in pushing the House Judiciary Committee to move on the PSOB Improvement Act (S. 419). An informal push by the Attorney General's office to the Committee gave us a victory in ensuring that this bill will move forward without significant changes. We expect the Senate to take up and pass the bill this week and the House to pass it next week.

NAPO looks forward to our continued work with the Attorney General to ensure state and local law enforcement get the support and resources necessary to protect themselves and the communities they serve. If you have any questions about this meeting, please contact Bill Johnson at [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **NAPO Victory! Thin Blue Line Act Approved by House Judiciary Committee**

In a victory for NAPO, on April 27<sup>th</sup>, after two hours of debate, the House Judiciary Committee voted bipartisanly 19-12 to approve the Thin Blue Line Act (H.R. 115), sponsored by Congressman Vern Buchanan (R-FL). Congressman Ken Buck (R-CO) won an amendment that added “or targeted” to the bill to ensure that those who target law enforcement officers for harm, even if they do not succeed, face strict punishment. NAPO endorsed the amendment.

The Thin Blue Line Act would make the targeting of, attempted killing, or killing of a police officer, firefighter, or first responder an aggravating factor in death penalty determinations in federal court. This would be applicable whether they were targeted or murdered on duty, because of the performance of their duty, or because of their status as a public official. The only requirement is that the homicide provide federal jurisdiction.

This bill is critical, as law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. According to the National Law Enforcement Officers Memorial Fund, there have been 44 line-of-duty deaths so far this year, which is a 29% increase from this time last year and follows one of the deadliest years for law enforcement in five years. 135 officers were killed in the line of duty in 2016, 64 of whom were shot and killed. 21 of those gun-related deaths were by ambush – the officers were targeted and killed simply because they were police officers. This was a 167% increase in ambush-style killings of law enforcement officers.

Tepid responses to the murders of police officers do nothing to discourage future attacks, which is why legislation like the Thin Blue Line Act is so important. 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.

Opposition to the bill in Committee was not because it increases penalties for those who perpetrate violent crimes against officers, but that the legislation involves the death penalty, which many Democrats strongly oppose. If we are successful in getting the House to vote on the bill, there will be robust debate on the overall issue of the death penalty, even though this bill is very narrowly focused and does not mandate the death penalty.

NAPO is now working with Congressman Buchanan and House leadership to move the bill to the House floor. We welcome a robust debate on the bill and hope that it will shed light not on the death penalty, but the violent environment in which many of America's law enforcement officers find themselves working today. We will keep our members updated on the status of this important bill.

If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Victory! House Judiciary Committee Approves Rapid DNA Act**

In the same markup that they passed the Thin Blue Line Act on April 27<sup>th</sup>, the House Judiciary Committee approved the Rapid DNA Act (H.R. 510), sponsored by Congressman James Sensenbrenner (R-WI). This bill would give law enforcement agencies greater ability to use technology to process DNA evidence in the field.

Science and technology has allowed state and local law enforcement to use DNA evidence to convict guilty offenders and exonerate the innocent. However, the processing of DNA evidence under current law can take weeks or even months due to backlogs at crime labs. This significantly delays a perpetrator being brought to justice or an innocent victim being safe-guarded from further harm. Rapid DNA technologies allow an officer to know within hours whether an individual is wanted for an outstanding crime or has a connection to evidence from a crime scene.

The Rapid DNA Act will ensure that law enforcement agencies that use rapid DNA technology can upload profiles generated by those instruments into the FBI's Combined DNA Index System (CODIS) in the field, following standards and procedures to be issued by the FBI, rather than having to go through an accredited crime lab. With science and technology evolving, this legislation allows law enforcement to keep pace, strengthening our ability to safeguard our communities.

The Rapid DNA Act passed the Senate by unanimous consent last Congress and had significant momentum in the House, but we ran out of time to get it passed before the end of the 114th Congress. Given the strong bipartisan support for this bill, we are working with House leadership to take it up under suspension during National Police Week (the week of May 15<sup>th</sup>).

The Committee was scheduled to markup the Honoring Hometown Heroes Act (H.R.1892) on the 27<sup>th</sup> as well, but they had to adjourn for floor votes before they could take it up. We expect that bill, together with the American Law Enforcement Heroes Act (H.R. 1428) and a couple of other NAPO supported legislation will be marked up at a May 3<sup>rd</sup> Committee meeting.

## **House Judiciary Committee Passes Honoring Hometown Heroes Act**

In another victory for NAPO, the House Judiciary Committee unanimously approved the Honoring Hometown Heroes Act (H.R. 1892) on May 3<sup>rd</sup>. This legislation would permit the Governor of a state or territory to lower

the American flag to half-staff in the tragic event that a law enforcement officer, firefighter or public safety officer from that jurisdiction dies in the line of duty. Currently, a Governor can only make this tribute for the death of a present or formal government official or a member of the Armed Forces who dies in combat. This bill will ensure that first responders who make the ultimate sacrifice while protecting their communities will also have the simple, but meaningful honor of having the flag flown at half-staff.

We expect this bill to be taken up by the House for a vote during National Police Week (week of May 14<sup>th</sup>). We thank Congressman John Larson (D-CT) for his continued support of the law enforcement community and we look forward to seeing this important bill pass into law.

## **Senate Confirms Rod Rosenstein as Deputy Attorney General**

On April 25<sup>th</sup>, the Senate confirmed Rod Rosenstein 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. NAPO endorsed Mr. Rosenstein for DAG due to his exemplary career as a U.S. Attorney for the District of Maryland and his strong support for the law enforcement community.

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.

We look forward to working with Deputy Attorney General Rosenstein in reshaping the Department of Justice and creating a new, positive relationship between the Department and the law enforcement community.

## **NAPO in the News**

On April 26<sup>th</sup>, NAPO's Executive Director Bill Johnson was interviewed for a Fox News television segment and news article entitled, "Should officers be allowed to view body cam videos? Or does it give them unfair advantage?" The article stems from a current court battle in Seattle between the city and the court-appointed police monitor over Seattle's policy to allow officers to review their body camera footage before writing reports. The police monitor, Merrick Bobb, believes that allowing officers to view the footage may give officers "an inappropriate opportunity to 'get their stories straight'".

"William Johnson, executive director of the National Association of Police Organizations, said the goal of the cameras should be to get that the truth as quickly and efficiently as possible.



“‘It just doesn’t make any sense to prevent an officer from viewing some important evidence that helps him or her recall accurately and truthfully what happened,’ Johnson said.”

The full article is available at: <http://www.foxnews.com/us/2017/04/26/should-officers-be-allowed-to-view-body-cam-videos-or-does-it-give-them-unfair-advantage.html>

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).

## **Congressman Buck to Introduce the Blue Lives Matter Act**

Congressman Ken Buck (R-CO) will be introducing the Blue Lives Matter Act, for which NAPO has pledged our strong support. This bill would provide for enhanced federal prosecution against any individual who kills, attempts to kill, assaults, or otherwise inflicts bodily injury against a federally-funded state or local law enforcement officer. Congressman Buck introduced legislation with the same name last Congress that would have added law enforcement as a protected class under the federal hate crimes statute. Given there was no appetite in Congress to move such legislation, the Congressman and his staff worked with NAPO on language that would give increased federal protections to the greatest number of state and local law enforcement officers possible. Under this bill, a federally-funded law enforcement officer would include any officer whose department or locality receives any federal funding.

This bill is critical, as law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. According to the National Law Enforcement Officers Memorial Fund, there have been 46 line-of-duty deaths so far this year, which is a 31% increase from this time last year and follows one of the deadliest years for law enforcement in five years. 135 officers were killed in the line of duty in 2016, 64 of whom were shot and killed. 21 of those gun-related deaths were by ambush – the officers were targeted and killed simply because they were police officers. This was a 167% increase in ambush-style killings of law enforcement officers.

NAPO has long been fighting to establish stricter penalties for those who harm or target for harm law enforcement officers. Any persons contemplating harming an officer must know that they will face serious punishments. NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

We are currently working to get cosponsors for this important legislation and we will keep our members updated on its status. We thank Congressman Buck for his continued support for the law enforcement community and look forward to working with him to see the Blue Lives Matter Act passed into law.

## **Congress Agrees to Final Fiscal 2017 Spending Bill**

With the April 28<sup>th</sup> deadline fast approaching and no deal on a final budget for the remainder of fiscal year 2017, Congress passed a one-week continuing resolution last week to ensure that the federal government did not shut down while spending negotiations continued. On April 30<sup>th</sup>, Congress finally came to an agreement on an omnibus spending measure – one bill that will fund all government agencies and programs through the end of the fiscal year. Most agencies have been operating on last year’s funding levels for the first seven months of the current fiscal year, which started Oct. 1, 2016. Congress will need to pass the bill (H.R. 244) before the current continuing resolution ends at midnight on May 5<sup>th</sup>.

NAPO’s priority grant programs will be funded at similar levels to fiscal 2016. The COPS Hiring Program did get a small bump in funding – it will receive \$194.5 million, up \$7.5 million from last year. The Byrne Justice Assistance Grant (Byrne JAG) Program will be funded at \$376 million, the Bulletproof Vest Partnership Grant

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Program at \$22.5 million, and the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) at \$12 million.

The bill also includes \$7.5 million for active shooter training, \$103 million to fight opioids and synthetic drugs, including funding for departments to purchase naloxone for their officers, and \$65 million for officer body worn camera planning, purchase and implementation grants. Additionally, the spending measure directs the Justice Department to require that all law enforcement agencies applying for grants certify that they are in compliance with federal law. This provision underscores an executive order President Trump issued regarding federal immigration policies that stated that agencies and localities that do not comply with federal immigration detainers (sanctuary cities) are not eligible for certain federal grants – namely, the Byrne-JAG and COPS grants.

Overall, the fiscal 2017 omnibus spending measure shows strong support for law enforcement. Given that the House Appropriators try to zero out the COPS Hiring Program year after year, it is significant to see an increase in spending for the program. We hope this speaks to the Administration’s focused priority of supporting state and local law enforcement and we will continue to see steady or increased funding for these vital grant programs.

## **NAPO’s Sponsor/Cosponsor Spreadsheet and Legislative Update**

NAPO’s updated “Sponsor/Cosponsor” [spreadsheet](#) is available on our web site, along with the latest “[Legislative Positions](#)” document.

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.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andrea Edmiston at: [aedmiston@napo.org](mailto:aedmiston@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.**