



# The Washington Report

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

October 15, 2021



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**Wisconsin Professional Police Association**

## **NAPO President Attends Roundtable Discussion on Mental Health and Wellness with DOJ Leadership**

NAPO President Mick McHale participated in a roundtable discussion on October 14 with Deputy Attorney General Lisa Monaco, Associate Attorney General Vanita Gupta, and other senior DOJ officials to discuss ways the Department of Justice is currently supporting officer mental health and wellness as well as our priorities for how the Department can build on that support. NAPO was just one of two rank-and-file organizations that participated in the meeting.

McHale focused on NAPO's top three priorities when it comes to officer mental health and wellness: every officer in this nation should have access to a peer mentoring program; labor organizations and representatives of line officers must be significantly involved in the creation of mental health and wellness programs; and all mental health and wellness programs – including peer counseling – must maintain strict confidentiality and privacy standards.

McHale urged Deputy Attorney General Monaco and Associate Attorney General Gupta to support more funding and resources to aid the expansion of peer mentoring and support programs to ensure all officers have access to them. Currently, the grant programs through the DOJ's Community Oriented Policing Services (COPS) Office - the Law Enforcement Mental Health and Wellness Act and the Supporting and Treating Officers in Crisis programs - that support the creation and expansion of peer support and mental health and wellness programs are only funded at \$8 million, which is far below the funding necessary to meet the needs in the field.

McHale also pressed the top DOJ officials that labor organizations and representatives of rank-and-file officers must play a role in the creation or expansion of any peer mentoring program so ensure officer support and buy-in. Many of NAPO's member organizations run their own peer mentoring programs for their members, which have proved successful. One example McHale raised in the meeting is the Massachusetts Coalition of Police's Peer Support Quiz, supported by the American Foundation for Suicide Prevention. This is a self-check quiz that serves as a convenient and safe way for officers to anonymously communicate with a peer support officer about available service options so they can address their mental health concerns before they escalate.

Mental health and wellness programs mean nothing without privacy protections for officers seeking those services. McHale emphasized that unless the strictest privacy standards are established and maintained for any mental health and wellness program, an officer's mental health care, including that through peer mentoring services, can be discoverable on the public record, used in court proceedings, or affect their employment. Officers are more likely to take advantage of mental health services when they know they will be confidential.

Only about half of states provide confidentiality protections to critical incident debriefs and peer support services. Further, there is a gap in the Federal Rules of Evidence governing confidentiality in officer critical incident peer debriefs - these debriefings are not currently protected. McHale recommended that the Federal Rules of Evidence be amended to expand the privileges section to exclude from introduction into evidence in federal proceedings statements made by an officer in the context of critical incident peer debriefs and peer-involved mental health care for officers involved in highly stressful situations.

NAPO appreciates the opportunity to work with Deputy Attorney General Monaco, Associate Attorney General Gupta and senior officials at the DOJ on this important issue. With officer suicides an area of great and increasing concern, it is vital that officers across the country have access to trusted, confidential mental health and wellness services.

## **NAPO Supports Fentanyl Screening Equipment for Law Enforcement**

According to the National Institute on Drug Abuse, synthetic opioids, such as fentanyl, have surpassed prescription opioids as the most common cause of overdose deaths in the United States. Of the over 70,630 drug-involved overdose deaths in 2019, synthetic opioids - primarily fentanyl - were the main driver of drug overdose deaths with a nearly 14-fold increase from 2012 to 2019.

Fentanyl, particularly illicitly manufactured fentanyl, and other synthetic drugs are having deadly consequences on communities across the country, both big and small, and local law enforcement officers are on the front line in the fight against these drugs. Because illicit fentanyl is so powerful — just a few salt-sized grains can kill an adult — small amounts go a long way for drug traffickers. These relatively small and potent amounts mean fentanyl is difficult and hazardous to detect, making it easy to traffic and a danger to those trying to stop its spread into our communities.

To ensure that state and local law enforcement have the resources needed to identify and fight the diffusion of opioids, NAPO has once again endorsed the Providing Officers with Electronic Resources (POWER) Act (S. 2853/ H.R. 5382), sponsored by Senator Sherrod Brown (D-OH) and Congressman Connor Lamb (D-PA).

The POWER Act will help state and local law enforcement detect fentanyl and protect themselves from accidental overdoses by using the same screening equipment Customs and Border Protection (CBP) agents have successfully used to stop fentanyl at the border. This legislation would support state and local law enforcements' efforts to conduct drug investigations and prosecute drug crimes by providing essential funding for agencies to purchase chemical screening devices and giving them resources to help safeguard officers in the field from possible deadly exposure.

NAPO believes rank-and-file law enforcement officers must be given the training, resources and support necessary to keep themselves and the communities they serve safe in the fight to end the opioid crisis. We will work with Senator Brown and Congressman Lamb to ensure state and local law enforcement are given the equipment necessary to help address our nation's growing drug epidemic.

## **NAPO Endorses Better Cybercrime Metrics Act**

NAPO pledged its support for the Better Cybercrime Metrics Act (S. 2629 / H.R. 4977), sponsored by Senators Brian Schatz (D-HI) and Thom Tillis (R-SC) and Representative Abigail Spanberger (D-VA). This legislation would establish standardized metrics for tracking cybercrime that would help law enforcement, policy makers, and criminologists better understand the scope and size of cybercrime in the United States. It also would mandate the FBI integrate the new cybercrime metrics into its current reporting systems and databases, making it easier for state and local law enforcement to collect and report on data on cybercrime incidents in their jurisdictions.

Robust data on cybercrime is necessary to supporting and enhancing the capacity of state and local law enforcement to prevent, investigate and respond to such crimes. Law enforcement's job is to serve and protect our communities from all crime, whether it is cyber or violent crime, and the data collected as a result of the Better Cybercrime Metrics Act would help departments across the nation better investigate and prosecute these crimes.

We look forward to working with Senators Schatz and Tillis and Representative Spanberger to pass this legislation.

# NAPO on the Hill

## Collective Bargaining

NAPO continues the push for cosponsors for our Public Safety Employer-Employee Cooperation Act (H.R. 3225), sponsored by Representative Pete Stauber (R-MN). Garnering significant bipartisan support for bill is especially important now as Democrats work to introduce their Public Service Freedom to Negotiate Act, which would expand public sector collective bargaining rights to all public employee *except* law enforcement.

The Public Safety Employer-Employee Cooperation Act would grant *all* public safety officers the same rights to bargain over wages, hours and working conditions. It garnered 227 bipartisan cosponsors last Congress and NAPO is actively reaching out to those representatives to urge them to sign on in support once again to ensure law enforcement is not left behind in the move to expand public sector collective bargaining rights.

## Public Safety Officer's Benefits (PSOB) Program

NAPO continues to work with Representative Bill Pascrell's (D-NJ) and Senator Charles Grassley's (R-IA) staff to pass the Protecting America's First Responders Act (S. 1511 / H.R. 2936). This important bill would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits. It would also ensure that beneficiaries receive the highest award amount possible and it will make certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance program.

NAPO has been working on this legislation for three years and it is one of our top priorities. The bill passed the Senate by unanimous consent at the beginning of June 2021 and has since stalled in the House. With Police Weekend being held October 13-17, including the annual Candlelight Vigil on October 14, which honored the 701 officers whose names were added to the National Law Enforcement Officers Memorial in 2020 and 2021, NAPO is urging House leadership to take up this important bill in remembrance of those officers who sacrificed everything in the line of duty when it returns from recess on October 19. There is no reason this bipartisan bill cannot pass the House by a simple voice vote.

## HELPS Retirees

NAPO met with staff of Representative Abigail Spanberger (D-VA) regarding our proposal to expand and fix the HELPS Retirees provision of the Pension Protection Act of 2006. Representative Spanberger supports our efforts and has indicated she would like to help lead on this issue in the House.

Since the enactment of the HELPS Retirees provision in 2006, health care costs have gone up dramatically and the \$3,000 per year permitted under the provision is no longer adequate to cover even half a year's worth of health insurance premiums. In our proposal, the amount public safety retirees can take out of their pensions tax free to pay for health or long-term care insurance premiums would increase from \$3,000 per year to \$6,000 per year and it would be indexed to inflation to ensure the benefit keeps up with the rising costs of healthcare. It would also make a technical fix to the provision to repeal the direct payment requirement, which would make it easier for public pension plans to implement it.

We are working with our public safety pension partners to introduce the proposal as a stand-alone bill in addition to our efforts with Representative Jimmy Gomez (D-CA) and Senator Sherrod Brown (D-OH) to add this language to the Securing a Strong Retirement Act – a broad, bipartisan retirement package that is a priority for both the House Ways and Means Committee and the Senate Finance Committee.

***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.***