



# The Washington Report

**The Newsletter of the National Association of Police Organizations**

*Representing America's Finest*

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September 10, 2021

## Statement from NAPO President Mick McHale Marking the 20<sup>th</sup> Anniversary of the 9/11 Terrorist Attacks



Tomorrow marks the 20<sup>th</sup> anniversary of the deadliest terrorist attack on our nation's soil. On September 11, 2001, nearly 3,000 of our fellow citizens gave their lives in New York City, at the Pentagon, and in Shanksville, Pennsylvania. This includes the more than 400 federal, state, and local public safety officers who ran into harm's way to save others, many of whom were NAPO members.

As we remember those who died on September 11, 2001, we also must recognize those we have lost and continue to lose as the lasting effects of that day make themselves known. As we know too well, first responders across the country continue to die from their rescue and recovery efforts on and after 9/11 from cancers and other serious health conditions related to sustained exposure to toxins found at Ground Zero. We have lost nearly 300 more federal, state, and local law enforcement officers from 9/11-related illnesses over the

past 20 years – more than we lost on September 11, 2001. Unfortunately, that number will only grow.

NAPO has lost nearly 350 members from 9/11-related deaths. 23 officers from the New York City Police Department (NYPD) and 37 officers from the Port Authority of New York and New Jersey Police Department died on September 11, 2001. The rest have died of 9/11-related illnesses since that fateful day. We remember our members and all the first responders who heroically gave their lives because of their service on September 11, 2001, and in the weeks and months after. We will forever remember these officers, their families, and all survivors of 9/11.

God bless the men and women who serve our nation as law enforcement officers and God bless America.

Mick McHale  
President

## **Register Today for NAPO's 2021 Legal Seminar**

DEFENDING THE PROTECTORS: Current Issues for Attorneys & Law  
Enforcement Leaders

**October 3 –5, 2021**

Eau Palm Beach Resort & Spa  
Palm Beach, Florida

**[www.napo.org/2021Legal](http://www.napo.org/2021Legal)**

***Earn up to 15.0 Hours of CLE Credits Including 2.5 Hours of Ethics &  
1 Hour of Technology!***

Key Issues include: Representing Officers in Critical Incidents, Changing Marijuana Laws, Qualified Immunity, Social Media Labor Cases, Police Reform, Changes at the U.S. Department of Justice and Federal Updates. Visit the [NAPO website](http://www.napo.org) for a complete list of topics and speakers.

For Seminar information including Agenda, Registration, Hotel Reservations and Airline Discounts [click here](#). If you have any questions or need additional information, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at [elorange@napo.org](mailto:elorange@napo.org) or (703) 549-0775.

### **NAPO on the Hill: Fentanyl, Justice and Mental Health Collaboration, Zapata Act**

Over the August recess, NAPO has been working with Congressional staff and stakeholder organizations on priority issues that must move this fall, including the permanent classwide scheduling for fentanyl-related substances, the reauthorization of the Justice and Mental Health Collaboration Program, and the final passage of the Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act.

#### **Permanent Scheduling of Fentanyl as a Schedule 1 Drug**

The Drug Enforcement Agency's (DEA) temporary classwide scheduling of all fentanyl-related substances as Schedule 1 drugs under the Controlled Substances Act - making them illegal - expires on October 22. An end or even a lapse in this scheduling will threaten law enforcement's efforts to fight fentanyl and similar opioids that are scouring communities across the country. The classification of fentanyl as a Schedule 1 substance is necessary for all law enforcement actions on fentanyl, allowing law enforcement to prosecute criminals who make and distribute the drug.

This nation is experiencing a significant drug crisis, which threatens the future of our youth and our country as a whole. According to the National Institute on Drug Abuse, 70,630 Americans died from drug overdoses in 2019 and opioids were involved in over 49,860 of those deaths, a significant increase in opioid-related overdose deaths over previous years. Many of these deaths were from using synthetic analogues of fentanyl.

NAPO supports a permanent solution to dealing with fentanyl in order that we do not have to continue to fight to keep these dangerous drugs scheduled. We are working with Senator Charles Grassley (R-IA),

Ranking Member of the Senate Judiciary Committee, and our national law enforcement partners to achieve a permanent solution to meets the needs of law enforcement, the victims of fentanyl, and criminal justice reform advocates.

#### Justice and Mental Health Collaboration Program

The authorization of the Justice and Mental Health Collaboration Program (JMHCP) ends on December 31, 2021. NAPO is working with Senator John Cornyn (R-TX) and Representative Bobby Scott (D-VA), the long-time sponsors of this important program, and stakeholder organizations to reauthorize and make improvements to the program before the end of the year.

JMHCP is part of the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which has long been a top priority for NAPO, as it supports crisis intervention teams and training programs for law enforcement and corrections personnel to identify and respond to incidents involving individuals with mental health conditions.

Law enforcement officials are all too familiar with calls for service that repeatedly bring them into contact with people whose mental illnesses are not being adequately addressed. These officers often find themselves in the difficult position of determining whether to resolve such incidents informally or to take the person into custody, either for arrest or emergency evaluation. Although these incidents are generally resolved safely, on rare occasions they can involve use of force, exposing both the law enforcement officer and the person with mental illness to serious risk. Without adequate training and access to community-based mental health resources, officers face tremendous obstacles in managing these incidents.

It is a priority for NAPO to see JMHCP reauthorized to ensure law enforcement continue to have access to these vital grants and training programs.

#### Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act

With the August 26 suicide attack on the airport in Kabul, Afghanistan and the senseless loss of 13 American lives and over 200 Afghan lives, NAPO is pressing Congress and the Administration to enact the Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act (S. 921).

In response to the terrorist attack, President Biden pledged to track down every individual responsible for this cowardly act and make them pay. If that pledge includes ensuring that those responsible face justice in the United States, the ability to prosecute any foreign national for the murder or attempted murder of American citizens overseas has been severely hampered due to a decision by U.S. Court of Appeals for the D.C. Circuit. Such prosecutions likely could not proceed through the primary venue of the District of Columbia Circuit. This situation demands an immediate fix.

U.S. Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata was killed and ICE Special Agent Victor Avila was wounded in the line of duty while serving in Mexico by members of a Mexican drug cartel. Their assailants were extradited to the U.S. and rightly convicted of murder and attempted murder. However, the U.S. Court of Appeals for the D.C. Circuit threw out the murder and attempted murder convictions of Special Agents Zapata's and Avila's assailants under 18 U.S.C. § 1114 on the grounds that it does not apply outside the country.

This legislation is critical to ensuring justice is served by applying federal extra territorial jurisdiction to federal murder or attempted murder cases of federal law enforcement officers. It is a simple fix to a hole in federal law that will ensure that federal law enforcement officers serving abroad receive the same protections as those serving at home.

We joined with nine other national organizations in [a letter to the President and House Speaker Nancy Pelosi](#) urging them to support and take up S. 921, as passed the Senate, and enact these protections into law.

## **Police Reform Negotiations Slog On**

Negotiations over police reform continue between Senators Tim Scott (R-SC) and Cory Booker (D-NJ), but they seem to have slowed down over the August recess. Their staff continues to draft and share proposals on various issues such as the Department of Defense 1033 Program, the use of chokeholds, no-knock warrants, and certification and accreditation for law enforcement officers and agencies, but no specific proposals have been agreed to yet. NAPO continues to work with staff as the process continues to ensure our members voices are heard, particularly around safeguarding the rights of officers.

The Senate will return from recess on September 13 to a full calendar that includes funding the government before the end of the fiscal year on September 30, taking up President Biden's and the Democrats' \$3.5 trillion reconciliation package, and raising the nation's debt limit. It is expected that Congress will pass a continuing resolution funding the federal government at fiscal 2021 levels through December to avoid a government shutdown as the fiscal 2022 appropriations process continues. Although Democrats did not have the votes in the House to include police reform provisions in the Fiscal 2022 Commerce, Justice, Science Appropriations measure, we are working to ensure that no such language is included in the continuing resolution.

## **Legislation Introduced to Increase Funding for the 9/11 World Trade Center Health Program**

NAPO pledged its support for the 9/11 Responder and Survivor Health Funding Correction Act (S. 2683, H.R. 4965), introduced by Senator Kirsten Gillibrand (D-NY) and Representative Carolyn Maloney (D-NY). This bipartisan bill would address a funding shortfall in the World Trade Center Health Program (WTCHP) and ensure its adequate funding now and in the future.

This Saturday marks the 20<sup>th</sup> anniversary of the deadliest terrorist attack on our nation's soil. As we remember those who died on September 11, 2001, we also must recognize those we continue to lose as the lasting effects of that day make themselves known. We have lost more federal, state and local law enforcement officers from 9/11-related illnesses over the past 20 years than we lost on September 11, 2001. Unfortunately, those numbers are only expected to rise as 9/11 responders and survivors are still battling serious health crises resulting from exposure to the toxins at Ground Zero.

NAPO fought hard for the passage of the James Zadroga 9/11 Health and Compensation Act in 2010 and its reauthorization in 2015 to ensure our nation took care of the victims and first responders who are coping with 9/11-related chronic health conditions. James Zadroga, a New York City Police Department Detective and member of NAPO, died of respiratory disease caused by his exposure to toxic chemicals during rescue and recovery efforts at Ground Zero.

In 2015, Congress, recognizing the importance of this program, reauthorized the WTCHP until 2090. Unfortunately, this has proven to not be enough as the reauthorization imposed yearly spending caps tied to inflation only as measured by the Consumer Price Index and not the historically higher, and faster rising, medical cost inflation. The program now faces a projected funding shortfall starting in 2025 and soon it

will not have enough funds to provide care for those 9/11 responders and survivors still suffering the physical and mental impacts of 9/11.

The 9/11 Responder and Survivor Health Funding Correction Act honors those who made the ultimate sacrifice to protect our nation. 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 and care that they deserve.

## **Democrats to Introduce Public Sector Collective Bargaining Bill that Excludes Law Enforcement**

House Democrats are preparing to introduce the Public Service Freedom to Negotiate Act, which would grant the basic rights to collectively bargain over wages, hours and working conditions to all public servants, except for state and local law enforcement. The legislation specifically carves out law enforcement from its definition of “public employee”, exempting law enforcement from benefiting from the collective bargaining rights extended in this bill. Corrections, though, are included in the definition as public employees.

Last Congress, NAPO worked with Education and Labor Committee staff to ensure that the Public Service Freedom to Negotiate Act included law enforcement. However, with the death of George Floyd last year and the push for police reform, support within the Democratic party for law enforcement collective bargaining rights has tanked. Chairman Scott and Committee Democrats are not willing to move the bill forward without the inclusion of a provision stripping and prohibiting any language in collective bargaining agreements that would allow law enforcement officers – and only law enforcement officers – to bargain over accountability or disciplinary issues.

NAPO opposed the inclusion of such provisions as we are not willing to create substandard collective bargaining rights for law enforcement officers, setting them apart from their counterparts in public service, and take steps backwards from where we are today. Most public employees, including fire fighters and EMTs, are allowed to bargain over accountability and disciplinary issues. As a result of our opposition, the Committee agreed to strip law enforcement from the bill, making us the only public sector workforce that would not be extended the right to bargain collectively if this bill is enacted into law.

Although the Public Service Freedom to Negotiate Act includes a provision stating that nothing in this bill would impact current collective bargaining agreements unless they are found to not meet the standards set out in the legislation. Therefore, law enforcement officers who currently have the right to collectively bargain should not have those rights impeded by this bill. Still, this bill could create an atmosphere where those who oppose law enforcement unions could use this bill as a precedent to argue that officers should not have the right to form and join a union, even those who currently enjoy those rights.

NAPO opposes the Public Service Freedom to Negotiate Act and has made, and continues to make, our opposition known. We are pushing our Public Safety Employer-Employee Cooperation Act (H.R. 3225), sponsored by Representative Pete Stauber (R-MN), which we worked to introduce over twenty years ago and have been fighting to pass ever since. This bill 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 currently has 25 bipartisan cosponsors. NAPO is actively reaching out to those representatives who cosponsored the bill last Congress to urge them to sign on in support again to ensure law enforcement is not left behind in the move to expand public sector collective bargaining rights.

## **Educational Offerings & Tuition Discounts for NAPO Members**

### **Lindenwood University, St. Charles, Missouri**

Lindenwood University is offering the staff and officers/deputies educational discounts of \$80.00 per credit hour for their online Undergraduate and Graduate degrees. In an effort to learn how best to serve and support our membership and their officers and staff, Lindenwood has asked that NAPO members and their officers/staff complete a [3-minute survey](#). This survey will also allow Lindenwood to better understand how education is valued by our NAPO membership base.

Please access the survey at the following link: [3 minute survey](#)  
In appreciation for participation, Lindenwood is offering multiple participants to be selected to win \$25 Amazon Gift Cards.

Questions concerning this opportunity can be directed to:

John K. Brueck Jr.  
Lindenwood University  
[jbrueck2@lindenwood.edu](mailto:jbrueck2@lindenwood.edu)

## **National Blue Alert Network Advisory Group Convenes**

The Blue Alert Advisory Group, of which NAPO is a member, in conjunction with the Justice Department's Community Oriented Policing Services (COPS) Office, convened on September 2 to discuss the Network's continued work to establish Blue Alert systems in all 50 states. Currently, thirteen states and Washington, D.C. do not have Blue Alert networks. Getting Blue Alert plans up and running in all 50 states is a priority for NAPO as it ensures the National Blue Alert Network we fought so hard to get enacted as part of the Rafael Ramos and Wenjian Liu, National Blue Alert Act works efficiently and effectively to protect officers from harm. The Act was named after NAPO members Officers Ramos and Liu, who were assassinated while sitting in their police cruiser on December 20, 2014.

The states that currently do not have active Blue Alert Networks are: Alaska, Arkansas, Hawaii, Louisiana, Massachusetts, Nebraska, Nevada, New Mexico, New York, Oregon, Pennsylvania, Wisconsin, and Wyoming. NAPO members in many of these states have been instrumental in introducing legislation to create Blue Alert plans. NAPO, together with the COPS Office, stand ready to work with stakeholders in these states to help enact such legislation. If you are interested in receiving information and resources on how to establish a Blue Alert plan or you wish to participate in the state-level working group, please contact the NAPO Office at (703) 549-0775 or [info@napo.org](mailto:info@napo.org).

In addition to updating Advisory Group members on the status of Blue Alert plans in the remaining thirteen states and the District of Columbia, the group shared and discussed best practices for neighboring jurisdictions to share their Blue Alerts in real time when issued. Such best practices and other Blue Alert resources collected from around nation, including examples of legislation, policies, forms, and a directory of state Blue Alert officials can be found in the FBI's Law Enforcement Enterprise Portal (LEEP), accessible to law enforcement officials only.